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JOURNAL

OF [illegible]

311

BOTH SESSIONS

OF [illegible]

The Convention

OF THE

STATE OF ARKANSAS,

WHICH WERE BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF
LITTLE ROCK.

PUBLISHED BY AUTHORITY.

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AN ACT

TO PROVIDE FOR A

STATE CONVENTION.

SECTION 1. *Be it enacted by the General Assembly of the State of Arkansas*, That the governor shall issue his proclamation, ordering an election in all the counties in this state, submitting to the people the question of "convention" or "no convention," to be held on the eighteenth day of February, 1861, which election shall be conducted as state elections are now conducted; *Provided*, That the sheriffs of the several counties shall be required to give but ten days' notice of said election.

SEC. 2. *Be it further enacted*, That, at said election, the people shall also vote for a delegate or delegates to said convention, and each delegate elected shall be made a special returning officer, and shall bring up the certified vote of his county on the question of convention or no convention, which vote from all the counties, shall be opened by the governor, auditor, treasurer and secretary of state, or any three of them, on the second day of March, 1861; and if, on counting the vote of all the counties of this state, it shall appear that a majority of all the votes cast are for a convention, then the governor shall immediately issue his proclamation, requiring the delegates elected as aforesaid to convene in the capitol on the following Monday, and organize themselves into a state convention, by the election of a president, and such other officers as may be required, and, in case of sickness, or any other unavoidable cause, to prevent any delegate to the convention from getting to the capital, he shall have power to send up the returns of his county by a special messenger, selected by himself.

SEC. 3. *Be it further enacted*, That the delegates, or special returning officers, shall be paid mileage at the same rate that members of the General Assembly are paid, to be certified by the president of the convention, if one be organized, and if not, the auditor is required to issue his warrant for the same, taking the mileage accounts of the members of the General Assembly as a guide to regulate the amount to which the delegate, or delegates, coming from the same county, may be entitled.

Sec. 4. *Be it further enacted*, That the officers and members of said convention, if it shall be organized, shall be paid the same per diem pay that the officers and members of this General Assembly are paid; their accounts therefor to be certified by the president of the convention, and the secretary shall certify the account of the president.

Sec. 5. *Be it further enacted*, That each county in this state shall be entitled to elect as many delegates to said convention as it is now entitled to members in the lower branch of the General Assembly, and the qualifications for a delegate shall be the same as now required for a member of the House of Representatives.

Sec. 6. *Be it further enacted*, That fifty members of said convention shall be necessary to constitute a quorum to transact business.

Sec. 7. *Be it further enacted*, That if any seat in the convention, hereby provided for, be contested, the convention shall have power to determine such contest, as the General Assembly has to determine contests for seats in either house, in the manner now prescribed by law.

Sec. 8. *Be it further enacted*, That upon the organization of said convention, it shall take into consideration the condition of political affairs, and determine what course the State of Arkansas shall take in the present political crisis.

Sec. 9. *Be it further enacted*, That a sufficient amount of money be, and the same is, hereby appropriated out of the state treasury to pay the necessary expenses of said convention, should one be held.

Sec. 10. *Be it further enacted*, That this act shall take effect and be in force from its passage.

Approved, January 15th, 1861.

PROCLAMATION

BY

THE GOVERNOR.

STATE OF ARKANSAS.

To the Delegates elected to the State Convention in said State—Greeting:

Whereas, The General Assembly of the State of Arkansas, on the 15th day of January, 1861, passed an act entitled "An act to provide for a State Convention," to be held in the capitol, on the 4th of March, 1861; provided, a majority of all the votes cast on the 18th day of February, 1861, the day of election designated by said act, should be for a convention; *And whereas*, in pursuance of said act, and a proclamation of the governor, issued to the sheriffs of the several counties in this state, on the 16th day of January, 1861, said election was held on the 18th day of February, 1861; *And whereas*, it appears upon counting the votes cast, that a majority of eleven thousand, five hundred and eighty-six are "for convention."

Therefore, I, Henry M. Rector, Governor, in virtue of authority in me vested by said act, authorize and direct said delegates elected for the several counties, to assemble in convention at the capitol, on the 4th day of March, 1861, for the objects and purposes, by said act of the General Assembly, intended.

[L. S. In testimony whereof, I have hereunto set my hand, and caused the seal of the State of Arkansas to be affixed at Little Rock, this 2d day of March, A. D, 1861.

HENRY M. RECTOR.

By the Governor,

John I. Stirman, *Secretary of State.*

By O. R. Weaver, *Deputy Sec'y of State.*

JOURNAL
OF
THE CONVENTION
OF THE
STATE OF ARKANSAS.

WHICH WAS BEGUN AND HELD IN THE CAPITOL, IN THE CITY OF LITTLE
ROCK, ON MONDAY, THE FOURTH DAY OF MARCH, ONE THOUSAND,
EIGHT HUNDRED AND SIXTY-ONE.

MONDAY, *March* 4, 1861.

This being the day fixed by the legislature of the State of Arkansas, and pursuant to the proclamation of the governor, issued on the 2d day of March, 1861, a quorum of said State Convention appearing in the representative hall, in the state house, Mr. A. W. Hobson called the convention to order.

Mr. Jesse Turner, of Crawford county, was called to the chair as president *pro tem.*

On motion of Mr. Stillwell, Rev. Geo. Plattenburg opened the session of the convention with prayer.

On motion of Mr. Stillwell, Mr. E. C. Boudinot was appointed secretary, *pro tem.*, of the convention.

Mr. Carrigan offered the following

RESOLUTION:

Resolved, That the secretary of state be requested to lay before the convention an abstract of the returns to his office of the election for delegates held on the 18th of February, showing the number of votes cast in *each county* for *each* candidate for delegate.

Which was adopted.

Mr. Yell offered the following

RESOLUTION:

Resolved, That reporters desirous to take reports for newspapers, be permitted to take seats within the bar.

Which was adopted.

On motion of Mr. Stillwell, the following list of delegates elected to the convention, was read by the secretary, *pro tem.*, the same having been furnished by the secretary of state:

From the county of Arkansas, James L. Totten.

From the county of Ashley, M. L. Hawkins.

From the county of Benton, A. W. Dinsmore and H. Jackson.

From the county of Bradley, Josiah Gould.

From the county of Carroll, W. W. Watkins and B. H. Hobbs.

From the county of Clark, H. Flanagin.

From the county of Calhoun, P. H. Echols.

From the county of Columbia, G. P. Smoote and I. C. Wallace.

From the county of Conway, S. J. Stallings.

From the county of Chicot, Isaac Hilliard.

From the county of Craighead, ———————.

From the county of Crittenden, Thos. H. Bradley.

From the county of Crawford, H. F. Thomason and Jesse Turner.

From the county of Dallas, Robert T. Fuller.

From the county of Desha, J. P. Johnson.

From the county of Drew, W. F. Slemons and J. A. Rhodes.

From the county of Franklin, W. W. Mansfield.

From the county of Fulton, S. W. Cochran.

From the county of Greene, J. W. Bush.

From the county of Hempstead, A. H. Carrigan and R. K. Garland.

From the county of Hot Spring, Joseph Jester.

From the county of Independence, M. S. Kennard, U. E. Fort and F. W. Desha.

From the county of Izard, A. Adams.

From the county of Jackson, J. H. Patterson.

From the county of Jefferson, J. Yell and W. P. Grace.

From the county of Johnson, F. I Batson and W. W. Floyd.

From the county of Lafayette, W. P. Cryer.

From the county of Lawrence, M. D. Baber, and S. Robinson.

Nrom the county of Marion, Thomas F. Austin.

From the county of Madison, I. Murphy and H. H. Bolinger.

From the county of Monroe, W. M. Mayo.

From the county of Montgomery, A. M. Clingman.

From the county of Mississippi, F. R. Lanier.

From the county of Newton I. Dodson.

From the county of Ouachita, A. W. Hobson.

From the county of Pike, S. Kelley.

From the county of Polk, Archibald Ray.

From the county of Perry, L. D. Hill.

From the county of Pope, Wm. Stout.

From the county of Poinsett, H. W. Williams.

From the county of Pulaski, A. H. Garland and J. Stillwell.

From the county of Phillips, T. B. Hanly and C. W. Adams.

From the county of Prairie, B. C. Totten.

From the county of Randolph, J. W. Crenshaw.

From the county of Saline, J. M. Smith.

From the county of Sebastian, W. M. Fishback a S. L. Griffith.

From the county of Scott, E. T, Walker.

From the county of Sevier, B. S. Hawkins and J. S. Dollarhide.

From the county of St. Francis, J. N. Shelton and G. W. Laughinghouse.

From the county of Searcy, John Campbell.

From the county of Union, H. Bussey and W. V. Tatum.

From the county of Van Buren, J. H. Patterson.

From the county of Washington, D. Walker, J. H. Stirman, J. P. A. Parks and T. M. Gunter.

From the county of White, Jesse N. Cypert.

From the county of Yell, W. H. Spivey.

I, John I. Stirman, secretary of state, do hereby certify that the above and foregoing list of delegates, elected to the convention, is a correct copy from the original abstract on file in my office.

JOHN I. STIRMAN,
Secretary of State.

SECRETARY'S OFFICE, March 4, 1861.

N. B.—The following persons, namely, S. W. Cochran and S. H. Wren received 222 votes each, in the county of Fulton.

On motion of Mr. Echols, Mr. S. S. Boone was appointed door keeper *pro tem.*, and instructed to provide seats for the delegates.

Mr. Yell moved that the secretary of state be requested to amend the returns so as to show who was the returning officer of Fulton county.

Mr. Floyd presented a certificate of S. W. Davis, M. V. Shaver, and R. C. Simonton, stating that S. W. Cochran was a candidate for delegate to this convention from Fulton county, upon the convention ticket, and that S. H. Wren was a candidate in the same county upon the anti-convention ticket; that there was a majority of votes cast in said county for a convention, and therefore the signers of said certiffcate, who compared the votes given in said county, appointed S. W. Cochran returning officer from said county.

Which certificate was received by Mr. Yell as a substitute for his motion.

Mr. Kelley moved that the further consideration of said certificate be postponed until the convention should be permanently organized; which motion prevailed.

Mr. President *pro tem*, then announced that nominations for president of the convention were in order.

Whereupon, Mr. Bradley nominated David Walker, of Washington county.

Mr. Hill nominated B. C. Totten, of Prairie county.

There being no further nominations, the roll was called.

Those delegates who voted for Mr. Walker, were

Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jackson, Jester, Kelley, Kennard, Mansfield, Murphy, Patterson of Van Buren, Smith, Spivey, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Prairie, Turner, Walker of Scott, Watkins and Williams—40.

Those delegates who voted for B. C. Totten, were

Messrs. Adams of Phillips, Batson, Bussey, Clingman, Cochran, Crenshaw, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Laughinghouse, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Tatum, Totten of Arkansas, Walker of Washington, Wallace and Yell—35.

Mr. President, *pro tem.*, then announced that Mr. Walker, having received a majority of all the votes cast, was duly and legally elected President of the convention.

During the balloting, at the calling of Fulton county, exceptions were taken by Mr. Fishback to the vote of the delegate claiming to represent said county.

Mr. Garland of Pulaski, moved that the vote cast by said delegate, (Mr. Cochran,) be rejected; which motion, after debate, was withdrawn.

Messrs. Totten of Praire, Batson and Watkins, were then appointed by the President *pro tem.*, to conduct the President to the chair; who, after a few brief and appropriate remarks, entered upon the discharge of his duties.

Mr. President announced that nominations for secretary were in order.

Mr. Thomason nominated E. C. Boudinot.

There being no other nominations, Mr. Adams of Phillips, moved that the vote be taken by acclamation, which motion prevailed, and Mr. Boudinot was elected secretary by acclamation.

Mr. President then announced that nominations for assistant secretary were in order; whereupon

Mr. Echols nominated Mr. H. C. Collier, of Jefferson county.

Mr. Robinson nominated Mr. J. B. Arendale, of Lawrence county.

Mr. Kelley nominated Mr. J. P. Jones, of Pulaski county.

Mr. Batson nominated Mr. A. D. King, of Johnson county.

Mr. Thomason moved that the candidate receiving the smallest vote should be stricken from the list of candidates until an election should be had, which motion prevailed.

There being no further nominations the roll was called.

Those delegates who voted for Mr. Collier, were

Messrs. Adams of Phillips, Cryer, Echols, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Johnson, Lanier, Laughinghouse, Mayo, Patterson of Jackson, Rhodes, Shelton, Slemons, Totten of Arkansas, Totten of Prairie and Yell—21.

Those delegates who voted for Mr. Arendale, were

Messrs. Adams of Izard, Baber, Bush, Crenshaw, Desha, Fort Hobbs, Kennard, Robinson, Walker of Scott and Williams—11.

Those delegates who voted for Mr. Jones, were

Messrs. Austin, Bolinger, Bradley, Campbell, Carrigan, Cypert, Dinsmore, Dodson, Fishback, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobson, Jackson, Jester, Hill, Kelley, Mansfield, Murphy. Parks, Smith, Spivey, Stallings Stillwell, Stirman, Stout, Thomason, Turner and Watkins—30.

Those delegates who voted for Mr. King, were

Messrs. Batson, Bussey, Clingman, Cochran, Dollarhide, Flanagin, Floyd, Patterson of Van Buren, Ray, Smoote, Tatum and Wallace—12.

No candidate having received a majority of all the votes cast, Mr. President announced that there was no election, and the convention proceeded to a second ballot.

The name of Mr. Arendale was stricken from the list of candidates under the resolution previously adopted.

On second ballot, Mr. Collier received 29 votes.
" " " " Jones " 38 "
" " " " King " 7 "

Mr. President then announced that Jno. P. Jones, having received a majority of all the votes cast, was duly elected assistant secretary.

Mr. President then announced that nominations for door keeper were in order, whereupon Mr. Ray nominated J. C. Henderson.

Mr. Adams of Izard, nominated Wm. Hammond.

Mr. Grace nominated S. S. Boone.

Mr. Floyd nominated H. Jacobi.

There being no further nominations, the roll was called.

Those delegates who voted for Mr. Henderson, were

Messrs. Adams of Phillips, Bussey, Clingman, Cochran, Crenshaw, Dollarhide, Hanly, Hawkins of Ashley, Hawkins of Sevier, Lanier, Laughinghouse, Mayo, Ray, Tatum, Totten of Arkansas and Wallace—16.

Those delegates who voted for Mr. Hammond, were

Messrs. Adams of Izard, Austin, Baber, Bolinger, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jackson, Jester, Kelly, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins and Williams—38.

Those delegates who voted for Mr. Boone, were.

Messrs. Cryer, Echols, Fuller, Grace, Hilliard, Johnson, Patterson of Jackson, Rhodes, Robinson, Shelton, Slemons, Smoote, Totten of Prairie and Yell—15.

Those delegates who voted for Mr. Jacobi, were

Messrs. Batson, Floyd, Gould and Hill—4.

Mr. President announced that Mr. Hammond, having received a majority of all the votes cast, was duly elected door-keeper of the convention.

Mr. Floyd moved that the secretary be instructed to supply the delegates with necessary stationery, which motion prevailed.

Mr. Hanly offered the following

RESOLUTION:

Resolved, That a committee of five be appointed by the chair to prepare and tender to this convention, a code of rules for the government of the proceedings and deliberations thereof, and that such committee be instructed to report at the earliest day possible.

Which was adopted.

Mr. Kelley offered the following

RESOLUTION:

Resolved, That the ministers of the gospel resident in this city, be requested to open the sessions of this convention by prayer each morning; and that a committee of three be appointed by the President, to confer with such ministers, and report to the convention.

Which resolution was adopted.

Mr. Johnson moved that the convention then proceed to the election of a page.

Mr. Gould moved to amend by authorizing the president to appoint such page, which was adopted, and thereupon Mr. President appointed master W. N. Slack.

Mr. Garland of Pulaski, offered the following

RESOLUTION:

Resolved, That the President be hereby authorized to appoint a committee on resolutions, a committee on federal relations, and a committee on elections, to be composed of such number as he may designate, and report back to the convention at our next meeting.

Which motion, Mr. Garland, at the suggestion of Mr. Yell, withdrew for the present.

On motion of Mr. Floyd, the convention adjourned until 10 o'clock to-morrow morning.

DAVID WALKER,
President.

* * *

TUESDAY, *March 5th* 1861.

Convention met pursuant to adjournment.

Prayer by Rev. T. Welch.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber,

Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cochran, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jackson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—72.

The journal of yesterday was read, approved and signed.

Mr. Hill asked and obtained leave of absence for Mr. Spivey, on account of indisposition.

In accordance to a resolution introduced yesterday by Mr. Kelley, requesting the President to appoint a committee to confer with the resident ministers of the gospel, Mr. President thereupon announced Messrs. Kelley, Stillwell and Stout, such committee.

Mr. President also appointed Messrs. Hanly, Thomason, Totten of Prairie, Murphy and Carrigan, a committee to draft rules for the government of the proceedings and deliberations of this convention.

Mr. Garland of Pulaski, introduced the following

RESOLUTION:

Resolved, That the President of the convention forthwith appoint a committee on resolutions, consisting of five delegates, a committee on elections consisting of five delegates, and a committee on federal relations consisting of thirteen delegates.

Mr. Mansfield offered to amend as follows:

Resolved, That a committee of thirteen, to be styled the committee on the state government, be appointed by the President, to whom shall be referred, and who shall consider and report upon all matters involving the peace, security and welfare of the people of Arkansas, so far as the same depend upon the action of their state government, and who shall especially consider and report upon the capacity and wants of the people in the event that they should determine to assume a position of independent sovereignty.

Mr. Garland of Hempstead, moved to lay the amendment on the table.

Mr. Thomason moved to adopt the original resolution, which motion the President stated to be out of order.

Mr. Mansfield then withdrew his amendment.

Mr. Thomason moved the adoption of the resolution.

Mr. Carrigan asked that the door keeper be instructed to preserve order in the galleries, and Mr. President instructed him accordingly.

Mr. Yell moved that the convention adjourn until to-morrow morning 10 o'clock, which motion was lost on a division.

Mr. Grace offered the following resolution as a substitute for the resolution offered by Mr. Garland of Pulaski.

Resolved, That a committee of thirteen be appointed by the President, with instructions to report to this convention, an ordinance of secession of the State of Arkansas from the Federal Union; and that they report at the earliest practicable moment.

Mr. Carrigan moved to postpone the resolution indefinitely.

Mr. Gould moved to adjourn until to-morrow morning 10 o'clock.

On which motion, Mr. Johnson called for the yeas and nays, which call was sustained, and ordered with the following result:

Yeas—Messrs. Adams of Phillips, Batson, Bussey, Clingman, Cochran, Crenshaw, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Laughinghouse, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Stirman, Tatum, Totten of Arkansas, Totten of Prairie, Wallace and Yell—36.

Nays—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jackson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stout, Thomason, Turner, Walker, Watkins, Williams and Mr. President—38.

So the motion did not prevail.

Mr. President stated the question to be on laying the resolution offered by Mr. Grace on the table.

After considerable debate, and the reading of the resolution for information, Mr. Garland of Hempstead, moved the previous question; pending the discussion of which, Mr. Garland withdrew the motion, and Mr. Tatum moved that the convention adjourn until 10 o'clock to-morrow morning—Mr. Grace having the floor—which motion prevailed, and the convention adjourned.

DAVID WALKER,
President.

* * *

WEDNESDAY, *March 6th*, 1861.

Convention met pursuant to adjournment.

Prayer by Elder George Plattenburg.

Roll called.

PRESENT.

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cochran, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jackson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—73.

Journal of yesterday, read, approved and signed.

Mr. President presented to the convention the following letter:

LITTLE ROCK, March 4th, 1861.

To the Hon. DAVID WALKER, *President*
of the Convention of the people of Arkansas:

SIR—I herewith submit, for your inspection, my credentials, evidencing my appointment as commissioner from the convention of the people of South Carolina, to the convention over which you preside.

In obedience to my instructions, I present, through you, to the convention of the people of Arkansas, a certified copy of "The Ordinance of Secession," passed by the convention of my state, on the 20th of December last, a "Declaration of the immediate causes which induced and justified that Ordinance," "The Address of the people of South Carolina, assembled in Convention, to the people of the slaveholding States of the United States," and the "Report and Resolutions from the committee on relations with the slaveholding states, providing for commissioners to such states, adopted in convention, Monday, December 31, 1860."

The last fully discloses and exhibits the object of my mission.

I have the honor, sir, to remain most respectfully

Your obedient serv't.,
A. C. SPAIN, *Com'r.*
from South Carolina.

At the same time, Mr. President presented to the convention the following commission, referred to in the above letter, both of which were read:

STATE OF SOUTH CAROLINA.

WHEREAS, Albertus C. Spain has been duly elected by a vote of the convention of the people of the State of South Carolina, to act as a commissioner to the convention of the people of the State of Arkansas, and the said convention of the people of the State of South Carolina, has ordered the governor of said state, to commission the said Albertus C. Spain. Now, therefore, I do hereby commission you, the said Albertus C. Spain, to act as a commissioner from the State of South Carolina, in convention assembled, to the State of Arkansas, in convention assembled, to confer upon the subjects entrusted to your charge.

Witness: His excellency, FRANCIS W. PICKENS, Governor and Commander-in-chief of the said state, this 1st day of January, in the year of our Lord, one thousand, eight hundred and sixty-one, and the eighty-fifth year of the sovereignty and independence of the State of South Carolina.

F. W. PICKENS.

[Seal.] By the Governor:
JAMES A. DUFFUS,
Deputy Secretary of State.

Mr. President also presented, at the same time, a certified copy of the ordinance to dissolve the union between the State of South Carolina and other states united with her under the compact, entitled the "Constitution of the United States of America;" also, printed copies of a "Declaration of the immediate causes which induce and justify the secession of South Carolina from the Federal Union, and the Ordinance of Secession;" "The Report and Resolutions from the committee of the convention of South Carolina, on relations with the slaveholding states, providing for commissioners to such states, adopted in said convention, Monday, December 21st, 1860;" and "The address of the people of South Carolina, assembled in convention, to the people of the slaveholding states of the United States."

All of which, upon motion, were ordered to remain on file with the papers of the convention.

Mr. Hanly moved that the commissioner from South Carolina be permitted to take a seat within the bar of the convention; which motion prevailed, and

Messrs. Hanly, Garland of Pulaski, and Stirman, were appointed a committee to wait upon said commissioner, and apprise him of the action of the convention in this behalf.

Mr. President also presented to the convention the following letter:

LITTLE ROCK, March 4th, 1861.

HON. DAVID WALKER:

SIR—I herewith transmit to you my credentials, as Commissioner from the State of Georgia to the State of Arkansas; also, certain resolutions adopted by the people of Georgia, in convention assembled, as to the right and duty of Georgia to secede from the Union, and her policy after so doing towards certain other states; together with an ordinance to dissolve the union between the State of Georgia and other states, once united with her under a compact of government, entitled "The

Constitution of the United States of America"—"A resolution of the convention of Georgia, appointing commissioners to certain other states, for the purposes therein indicated." All of which, in obedience to the command of the State of Georgia, I submit through you to the convention of the people of Arkansas.

Respectfully,

D. P. HILL, *Commissioner*
from the State of Georgia.

Which letter, together with the following commission, referred to therein, was read to the convention:

STATE OF GEORGIA.

Whereas, The people of Georgia, in convention assembled, have authorized the appointment of a commissioner to the States of Delaware, Maryland, Virginia, Tennessee, North Carolina, Kentucky, Missouri and Arkansas, to present to the legislatures, or conventions, or in the event neither shall be in session, to the governor of said states, the ordinance of the secession of Georgia, and to invite their co-operation with her and other seceding states in the formation of a Southern Confederacy:

Be it therefore known that I, the president of said convention, do hereby appoint D. P. Hill, as commissioner to the State of Arkansas, then and there to act in conformity to said resolution.

In witness whereof, I, George W. Crawford, have hereto set my hand, this 29th day of January, 1861.

GEORGE W. CRAWFORD,
President.

Attest:
A. R. Lamar, *Secretary.*

The other papers presented with said commission, and referred to in the letter of said commissioner from Georgia, were, upon motion, ordered to be placed on file with the other papers of the convention.

Mr. Johnson moved that Mr. Hill, as commissioner from Georgia, be permitted to take a seat within the bar of the convention; which motion prevailed, and, upon motion,

Mr. President appointed Messrs. Johnson, Yell and Patterson of Jackson, a committee to wait upon Mr. Hill, and inform him of the action of the convention in this behalf.

Mr. Hanly, from the committee to draft rules, presented the following

REPORT:

Mr. President—

The committee, to whom was referred the duty of framing a code of rules for this convention, have had the subject under advisement, and instruct me to report the result of their deliberations on the subject.

Your committee have prepared, and instruct me to tender herewith, a code of rules which they think will be found to answer the ends intended. The convention will observe that their committee have had an eye, in the frame of rules submitted, to simplicity and perspicuity, feeling unwilling to trammel the officers or the convention with unnecessary restrictions or rules, which in any way may conduce to stifle investigation and free discussion of the great questions likely to arise during the deliberations of this convention.

Your committee desire also to say that the rules prepared are submitted with the unanimous approval of their entire body, and beg leave to recommend that as few amendments be made by the convention as may be, feeling assured, as your committee are, that efforts to amend, to any considerable extent, will result in deranging the entire code as proposed; all of which is respectfully submitted, and your committee ask to be discharged from further duties in the premises.

HANLY, *Chairman.*

Which was read and received.

Mr. Fishback moved to amend the first clause of the third rule, by striking out the words, "the president may speak to points of order in preference to other members," and inserting, "the president shall decide questions of order without debate, subject to appeal to the convention."

After the reading of the report of Mr. Hanly, as chairman of the above named committee, Mr. Fishback moved that the rules governing the General Assembly be adopted, while the report is under consideration.

Mr. President decided the motion out of order, but leave being granted, Mr. Fishback renewed his motion, which was carried.

Mr. Fishback also proposed to amend the 20th rule, as reported by said committee, by striking out the words, "and a call of the previous question shall not be allowed in this convention," and inserting, "and the previous question may be called and decided by a vote of the convention, without debate; *Provided, also*, That such previous question shall apply only to incidental questions, and not to the main question."

Mr. Garland, of Hempstead, moved to amend the 35th rule, by striking out the words, "the business of the convention shall be suspended until those absent are brought in," and inserting in lieu thereof, "on the call of the house the business then pending, shall be suspended for one hour, and the absent members sent for, at the end of which time the roll shall again be called, the absent members noted, and the business suspended, upon the call, shall progress, if it appear that a quorum be present; *Provided, however*, That should the absent members appear sooner, the business then pending shall progress before the expiration of the time."

Which three amendments were severally accepted, and the report, as amended, was adopted.

Mr. Floyd moved that the code of rules adopted be engrossed, and that 200 copies be printed for the use of the convention: which motion prevailed.

Mr. Garland asked and obtained leave to withdraw the resolution offered by him on yesterday, relative to appointing three committees.

Mr. Grace then withdrew the substitute for said resolution, offered by him on yesterday.

Mr. Stillwell offered the following

RESOLUTION:

Resolved, That the President appoint a sergeant-at-arms, in accordance with the rules.

Which resolution was adopted, and Mr. President thereupon appointed Mr. T. J. Hampton, as such sergeant-at-arms.

Mr. Batson offered the following

RESOLUTION:

Resolved, That all ordinances which may be passed, and such resolutions as may be adopted by the convention, in relation to the state of the country, shall be enrolled, and that the secretary be required to have the same done in a proper manner.

Which resolution was adopted.

Mr. Floyd moved to adjourn, but by request withdrew the motion.

Mr. Batson moved that the President appoint an engrossing and enrolling clerk, but objections being made, withdrew the same.

Mr. Turner offered the following

RESOLUTION:

Resolved, That the President do now appoint a committee on elections, and that such committee be instructed to report at the earliest hour practicable, upon the election of members of this convention.

Which was adopted, and Mr. President thereupon appointed Messrs. Kennard, Bussey, Jester, Bush and Ray, such committee.

On motion of Mr. Floyd, the convention adjourned until tomorrow morning at 10 o'clock.

DAVID WALKER,
President.

* * *

Thursday, *March 7th*, 1861.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Stanley.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cochran, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jackson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams Yell and Mr. President—73.

The journal of yesterday was read, approved and signed.

Mr. Kennard, from the committee on elections, appointed by the President on yesterday, made the following

REPORT:

Mr. President—

Your committee on elections respectfully report that they have examined the official returns of the votes cast for delegates to this convention, in each county in the state, as the same are on file in the office of the secretary of state, and that, from said returns, it appears that the report of the secretary of state, laid before the convention heretofore, in response to a resolution calling on him for a list of the names of delegates to this convention, correctly states the names of the delegates elected from all the counties in the state, except the county of Fulton. In Fulton county, no person having received a majority of all the votes cast, no delegate to this convention was elected.

Your committee are of opinion, however, that S. W. Cochran, who, as returning officer, brought up here the vote of the county of Fulton, and has been admitted to a seat on the floor of the convention during its preliminary proceedings, under all the circumstances of the case, should be allowed mileage, and *per diem* pay, as other delegates, for the time he has waited the action of this committee.

Your committee recommend the adoption of the following

RESOLUTION:

Resolved, That there being no delegate elected to this convention from the county of Fulton, the President of this convention is hereby required to appoint a day for holding an election in said county to elect a delegate from said county to this convention, and that the governor issue his proclamation to the sheriff of said county, to hold said election on the day appointed, in conformity to the provisions of the act of the legislature calling this convention.

KENNARD, *Chairman.*

Which report was received.

Mr. Hanly, as chairman of the committee appointed on yesterday, to wait upon Hon. A. C. Spain, commissioner from South Carolina, then introduced him to the President, who, in turn, introduced him to the convention; who, after a few remarks, took his seat within the bar of the convention.

Mr. Johnson, from a similar committee, appointed to wait upon the Hon. D. P. Hill, commissioner from the State of Georgia, introduced him to the President and the convention, who also took his seat within the bar of the convention.

Mr. Turner moved the adoption of the resolution reported by the committee on elections.

Mr. Totten of Prairie, offered the following as a substitute:

Whereas, The vote in the county of Fulton, between S. W. Cochran and S. H. Wren, competing candidates for a seat in this convention, was a tie vote; by reason whereof, the said county of Fulton has no full representation in this convention; and whereas, it is desirable that every county should be represented on the momentous issues now pending before this convention; and whereas, it is deemed impossible to have a new election held in the said county of Fulton, preceded by due notice to the people thereof, in time to be available for this convention; therefore,

Resolved, That the said S. W. Cochran, and the said S. H. Wren, be each entitled to a seat on this floor, with the power of casting but one vote between them; and that the power of voting, on the part of the said S. W. Cochran, be in abeyance until the arrival of the said S. H. Wren; and that each of the said delegates be entitled to the like mileage and per diem as other members of this conventton.

Mr. Mansfield moved to lay the substitute on the table.

Mr. Gould offered to amend the substitute of Mr. Totten, by adding the words: "providing the sitting delegate shall retain his seat here until the other delegate from Fulton shall arrive;" which amendment, Mr. President decided out of order, and stated the question to be upon laying the substitute of Mr. Totten on the table.

On which, Mr. Thomason called for the yeas and nays, and the call being sustained, was ordered, and had with the following result:

Yeas—Messrs. Adams of Izard, Austin, Baber, Bolinger, Batson, Bradley, Bush, Bussey, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hill, Hobbs, Hobson, Jackson, Jester, Kelly, Kennard, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Robinson, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins, Williams, Yell and Mr. President—45.

NAYS—Adams of Phillips, Clingman, Crenshaw, Cryer, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Johnson, Lanier, Laughinghouse, Ray, Rhodes, Shelton, Slemons, Smoote, Tatum, Totten of Arkansas, Totten of Prairie, and Wallace—27.

So the substitute was laid on the table.

Mr. Gould offered the following amendment to the resolution reported by the committee:

"*Provided*, That until a delegate is elected from Fulton county, by virtue of such election, the sitting delegate shall be entitled to his seat."

Mr. Cypert moved to lay said amendment on the table.

On which motion, Mr. Jester called for the yeas and nays; which call being sustained, was ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hill, Hobbs, Hobson, Jackson, Jester, Kelley, Kennard, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Arkansas, Turner, Walker, Watkins, Williams, and Mr. President—47.

NAYS—Messrs. Adams of Phillips, Clingman, Crenshaw, Cryer, Echols, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Johnson, Lanier, Ray, Rhodes, Robinson, Shelton Slemons, Smoote, Tatum, Totten of Prairie, Wallace and Yell—25.

So the amendment was laid upon the table.

Mr. Mansfield moved to adopt the original resolution.

Mr. Thomason called for the yeas and nays; which call being sustained, was ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Hobson, Jackson, Jester, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Watkins and Williams—63.

NAYS—Messrs. Adams of Phillips, Cryer, Echols, Grace, Hawkins of Sevier, Johnson, Wallace and Yell—8.

So the resolution was adopted.

Mr. President, under the rule adopted by this convention, laid before it the following list of committees:

On Federal Relations—Messrs. Turner, Hanly, Johnson, Garland of Pulaski, Totten of Prairie, Watkins, Desha, Patterson of Jackson, Flanagin, Hobson, Cypert, Batson and Carrigan.

On State Affairs—Messrs. Mansfield, Stirman, Adams of Phillips, Dinsmore, Stillwell, Hilliard, Totten of Arkansas and Smith.

On Resolutions and Ordinances—Messrs. Grace, Thomason, Garland of Hempstead, Kelley, Gould, Crenshaw and Tatum.

On Militia—Messrs. Yell, Campbell, Fishback, Mayo, Hawkins of Sevier, Wallace, Baber, Hobbs, Bradley, Walker and Fuller.

On Ways and Means—Messrs. Stallings, Gunter, Griffith, Floyd and Smoote.

Mr. Totten, of Arkansas, presented the following

RESOLUTIONS:

Resolved, That the inaugural of Mr. Lincoln, President of the United States, is, and should be, regarded as a menace, involving the inhuman doctrine of coercion, against which Arkansas should pledge herself to resistance, by all she holds sacred on earth, as long as she has a dollar to spend or a son to defend her.

Resolved, That the assembling of an army at Washington, under the plea that there would be an attempt on the capital, was but a miserable pretext, poorly disguised—the true object being, first, to intimidate us into submission; and if that failed, then to carry out the policy indicated in his inaugaral address, which is both humiliating to southern honor and destructive to southern interest.

Resolved, That the vast preparations for war, manifested in assembling the navy from foreign stations—the building of new ships of war—the passage of the laws by Congress authorizing the raising of large bodies of troops, and the collection of military stores—the appropriation of large sums of money from the federal treasury—the declared purpose of the President in his inaugural, to recapture the forts, arsenals and public buildings in the seven States that have seceded from the Federal Union, are an unquestionable declaration of war against those States, and afford unmistakable evidence that it is the intention of the administration of the federal government to precipitate the people of those states into all the horrors incident to a civil war, and that the declared intention of the President also contained in his late inaugural, to collect the revenues and duties in those states, is a further manifestation of said purpose.

Resolved, That in so trying an emergency there is but one path left for Arkansas to tread with honor, and that is found in the instant dissolution of those ties that bind her to her oppressor, and the assertion of her rights, by all the means which God has given her—making a common cause with those who are ready to live or die with her.

Mr. Kelley moved that the resolutions be referred to the committee on federal relations.

Mr. Totten stated that he had moved to adopt the resolutions, and spoke some time in their favor; when

Mr. Thomason, by leave, moved to adjourn until 10 o'clock.

Mr. Floyd moved to adjourn until 10 o'clock to-morrow morning.

On which motion, Mr. Mansfield called for the yeas and nays; which call being sustained, was ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Baber, Bussey, Cryer, Echols, Floyd, Fuller, Hanly, Hawkins of Ashley, Hilliard, Totten of Arkansas, Totten of Prairie, and Yell —14.

NAYS—Messrs. Austin, Batson, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hawkins of Ashley, Hill, Hobbs, Hobson, Jackson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Turner, Walker, Wallace, Watkins, Williams ~~and~~ Mr. President—57.

So the convention refused to adjourn until 10 o'clock tomorrow.

Mr. Watkins moved to take a recess until 2½ o'clock, p. m., which motion prevailed, and the convention adjourned until that hour.

2½ O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Jackson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—66.

Mr. Floyd, on leave, offered the following

RESOLUTION:

Resolved, That a committee of three be appointed by the president to wait on his excellency, Gov. Henry M. Rector, and request him to lay before this convention all the information he has in his possession touching the political condition of the State of Arkansas.

Mr. President stated the question to be on the motion of Mr. Kelley to refer the resolutions of Mr. Totten, of Arkansas, to the committee on federal relations.

On request, Mr. Kelley withdrew his motion to refer said resolutions, with the understanding that he would renew it after discussion on the same should be finished.

Mr. Totten then resumed his remarks, and, after he had concluded, Mr. Kelley renewed his motion to refer Mr. Totten's resolution to the committee on federal relations; which motion was carried.

Mr. Fishback offered the following

RESOLUTION:

Resolved, That any attempt, on the part of the federal government, to coerce a seceding state, by an armed force, will be resisted by Arkansas to the last extremity.

Mr. Garland, of Pulaski, moved its reference to the same committee; which motion prevailed.

Mr. Patterson, of Jackson, introduced the following

RESOLUTION:

Resolved, That a committee of five be appointed by the president of this convention, whose duty it shall be to enquire into the relations that now exist between the government of the "Confederate States of America," and the government known as the "United States of America," and that they report at an early day of this convention.

Mr. Fishback moved to lay said resolution on the table.

Mr Fishback withdrew his motion, and Mr. Patterson withdrew his resolution.

Mr. Johnson moved that 200 copies of Mr. Totten's resolutions be printed for the use of the convention; which motion prevailed.

Mr. Floyd then called up the resolution offered by him, and moved its adoption.

Mr. Thomason offered to amend said resolution as follows:

Resolved further, That his excellency be, and he is hereby requested to communicate, at his earliest convenience, to this convention, all the information in his possession touching the seizure of the United States arsenal at this place, and of the causes, if any, which "precipitated" that movement.

Which amendment was accepted by Mr. Floyd, and the resolution, as amended, was adopted.

On motion of Mr. Yell, the convention adjourned until tomorrow morning 10 o'clock.

DAVID WALKER,
President.

Friday, *March 8th*, 1861.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. Welch.

Roll called.

PRESENT.

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jackson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—73.

Journal of yesterday read, approved and signed.

Mr. Hanly moved to amend the 34th rule by inserting the word "but," after the word received, and before the word "to," so that the first clause of said rule should read as follows:

"When a question is before the convention, no motion shall be received but to postpone, commit, amend, or to adjourn."

Which motion prevailed, and the rule was so amended.

In compliance with a resolution passed on yesterday, the President appointed the following committee to wait on the governor and request him to communicate information relative to the political affairs of the state, which may be in his possession, namely: Messrs. Floyd, Thomason and Bolinger.

Mr. Adams of Phillips, offered the following

RESOLUTION:

Resolved, That the committee on ordinances be, and they are hereby instructed to prepare and report to this convention, at the earliest practicable moment, an ordinance, providing for the immediate and unconditional secession of the State of Arkansas from the Federal Union, known as the United States of America.

Mr. Watkins moved to refer the resolution to the committee on resolutions and ordinances.

Mr. Hanly moved that said resolution, and all others of a similar character, be made the special order for Tuesday next.

Mr. Watkins accepted the proposition.

Mr. Patterson moved that the consideration of the resolution be postponed until 12 o'clock M., on Monday next.

Mr. Garland of Hempstead, by leave, read the following resolution for information, which he offered as a substitute for the resolution of Mr. Adams.

Resolved, That the committee on resolutions and ordinances be hereby requested to report to this convention, at as early a day as possible, their views as to the proper step for Arkansas to pursue in the present condition of national affairs.

Which substitute, after some debate, was withdrawn.

Mr. Hanly moved that the resolution offered by Mr. Adams of Phillips, be made the special order for to-day at 12 o'clock, M.

Mr. Garland of Pulaski, moved to amend by referring said resolution to the committee on federal relations, that the committee be instructed to report on Tuesday next, and that said report be made the special order for that day.

Mr. President stated the question to be on making the resolution the special order for 12 o'clock "M." to-day.

Mr. Garland of Pulaski, moved to amend by making it the special order for Tuesday next; which was adopted.

Mr. Laughinghouse presented the following resolution, and requested its reference to the committee on resolutions and ordinances:

Resolved, That in the opinion of this convention, any attempt on the part of the federal government to retake the forts, arsenals or public property, to collect the revenue, or to enforce the laws in any of the states which have seceded or withdrawn from the Federal Union, will amount to coercion on the part of the federal government, and will justify or warrant resistance by those states, and will meet with the unqualified disapprobation of this convention and the people of this state; justifying us fully in our own consciences, and as we believe, will be in the estimation of the civilized world in severing the ligaments which unite us to a government so unjust and unmindful of its obligations to those governed, and so disposed to usurp and assume the exercise of powers not delegated by the constitution under which it arrogates to act.

Mr. Cypert moved to refer the resolution to the committee on federal relations, which motion prevailed.

Mr. Garland of Pulaski, offered the following

RESOLUTION:

Resolved, That the Hon. E. W. Gantt, member of Congress for the 2d congressional district of this state, be invited to take a seat in this convention during its meetings; and that the like invitation be extended to the Hons. Albert Rust, Robert W. Johnson, Wm. K. Sebastian and Charles B. Mitchel, should they be present during the session of the convention; and that a committee of three be appointed to wait upon those gentlemen and deliver the invitations as herein provided for.

Mr. Hanly moved to amend by inserting the name of the Hon. T. C. Hindman.

Mr. Patterson of Jackson, moved to amend by including the judges of the supreme court.

Mr. Thomason moved to amend by including the governor of the state.

Mr. Johnson moved to amend by including the ex-governors of the state: which amendments were severally accepted, and the resolution, as amended, adopted.

Mr. Echols introduced the following

RESOLUTION:

Resolved, That the committee of thirteen on federal relations be, and they are hereby instructed to make their report on Monday next.

Mr. Thomason moved to amend by striking out the words "on Monday next," aud inserting in lieu thereof, the words "at the earliest practicable moment," which amendment was accepted, and the resolution, as amended, was rejected.

Mr. Floyd, on leave, introduced the following

ORDINANCE:

AN ORDINANCE *to dissolve the union between the State of Arkansas and the other States united with her under the compact entitled "The Constitution of the United States."*

We, the people of the State of Arkansas in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the acceptance of the compact by the General Assembly of the State of Arkansas, approved on the 18th day of October, A. D., 1836, in pursuance of an act of the Congress of the United States of America, which was approved on the 23d day of June, A. D., 1836, and authorized by the people of the State of Arkansas, by which the sovereign State of Arkansas became a party to the federal compact under the constitution of the United States of America, and all laws and ordinances by which the State of Arkansas became a member of the Federal Union, be, and the same are hereby repealed and abrogated, and that the union now subsisting between the State of Arkansas and the other states, under the name of the United States of America, is hereby dissolved.

We do further declare and ordain, that the State of Arkansas hereby resumes all rights and powers heretofore delegated to the government of the United States of America; that her citizens are absolved from all allegiance to said government, that she is in full possession and exercise of all those rights of sovereignty which appertain to a free and independent state.

We do further declare and ordain, that all rights acquired and vested under the constitution of the United States, or any act of Congress or treaty or under any law of this state and not incompatible with this ordinance, shall remain in full force and have the same effect as if this ordinance had not been passed.

Mr. Floyd moved to refer said ordinance to the committee on resolutions and ordinances.

Mr. Carrigan moved its rejection.

Mr. Garland of Pulaski, by leave, then moved that the use of the convention hall, when not in use by the convention, be tendered to those who may wish to address the people upon the political issues of the day; which motion prevailed.

Mr. Totten of Arkansas, on leave, moved a reconsideration of the vote taken yesterday on the adoption of the resolution reported by the committee on elections, relative to an election for a delegate from Fulton county; which motion did not prevail.

Mr. Grace moved to take a recess until 3 o'clock, P. M.

Mr. Jester moved to adjourn until 9 o'clock to-morrow morning; which motion prevailed, and the convention adjourned.

DAVID WALKER,
President.

SATURDAY, *March 9th*, 1861.

Convention met pursuant to adjournment.

Prayer by Rev. P. S. G. Watson.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jackson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—73.

Journal of yesterday read, approved and signed.

Mr. Dinsmore asked and obtained leave of absence for Mr. Jackson.

Mr. President then laid before the convention the following communication from the governor:

Executive Office, *Little Rock*,
March 8th, 1861.

Hon. David Walker,
President of the State Convention:

I have had the honor of receiving a resolution passed by your honorable body as follows:

"*Resolved*, That there being no delegate elected to this convention from the county of Fulton, the president of this convention is hereby required to appoint a day for holding an election in said county, to elect a delegate from said county to this convention, and that the governor issue his proclamation to the sheriff of said county, to hold said election, on the day appointed, in conformity to the provisions of the act of the legislature calling this convention."

With all deference to the views of the convention, the executive perceives no authority under the constitution or laws of this state, by which he is authorized to issue a proclamation requiring an election to be held for a delegate to this convention on any other than the 18th day of February last, which duty he has performed as required by an act of the General Assembly, 14th January.

That act makes no provision, however, for a second election in case of a tie vote, and the executive possessing no political power except that with which he is clothed under the existing constitution, the right of the people to assemble in convention to change their status with the federal government, or to consider and pass upon the propriety of doing so, is among the reserved rights delegated to no department of the government and to be exercised upon their own volition and by their authority.

The bill passed by the legislature and sanctioned by me, would seem to derogate from this principle; but in co-operating with that body in this particular, I hold the act passed calling the people together as merely suggestive, directory in its nature, as matter of convenience, coming from the law making power, entertaining no doubt now or then, that a majority of the people themselves, or through delegates chosen at thir own will, could assemble in convention and pass upon the future status of their government, relatively considering the formation of new governments or the preservation of old ones.

If I am correct in these opinions, it follows necessarily that a proclamation issued by me, without law, requiring a subordinate officer to do an act which the people have not authorized him, nor myself, to perform, would trench upon their reserved rights, and savor strongly of usurpation.

The right does exist somewhere to perform this necessary act, and, in my opinion, is clearly within the scope of powers resting in the convention; it is the prerogative of the people to form and remodel governments; the duty of the legislature to enact the laws, with a judiciary to expound, and an executive to enforce them.

But again; can the convention empower the governor (as by this resolution) to perform a ministerial act? I think not under our present system.

The questions involved, however, are by no means free from doubt and difficulty, and I present them for your consideration, hoping that a reconsideration of the resolution may relieve the subject from its present embarrassments.

All of which is respectfully submitted.

HENRY M. RECTOR,
Governor of Arkansas.

Mr. Turner moved the reference of the communication to the committee on elections; which motion prevailed, and the communication was referred.

Mr. Floyd asked and obtained leave to present the following report from a select committee:

Mr. President—

The select committee, to whom was assigned the duty to call on his excellency, Gov. Henry M. Rector, and request him to lay before the convention any information in his possession touching the political condition of the State of Arkansas, would most respectfully

REPORT:

That they have performed the duty required of them, and his excellency, Gov. Rector, requested them to say to the convention that he will be ready to make his communication at 10½ o'clock this day.

All of which is respectfully submitted.

FLOYD, *Chairman.*

Which report was received.

Mr. Smith offered the following

RESOLUTION:

Resolved, That the committee on state affairs be requested to investigate and report as to the amount annually expended out of the treasury of the United States, for the purpose of regulating our intercourse with the Indian nations, on our western frontier. To contractors and others, for the transportation of the mails in this state, over and above or under the receipts for said transportation; for the maintenance of the federal courts in this state, and also for any and all other purposes whatsoever, within and for the use and benefit of said state, and that said committee also report as to the financial means and resources of the State of Arkansas, to maintain her position, in the event that the people of this state should, at any time, for the preservation of her rights and institutions, deem it necessary to sever, and should sever their connection with the federal government of the said United States, and that said committee report on all the matters aforesaid, at the earliest practicable period, to this convention, and that the officers of this state be required to furnish said committee with any and all statistical information in their possession, relative to the matters aforesaid, when requested by said committee so to do.

On motion of Mr. Stillwell, the resolution was adopted.

Mr. Carrigan offered the following

RESOLUTION:

Resolved, That the president appoint a committee of five on printing, whose duty it shall be to inquire into the prices of printing and to contract with a suitable person to perform the printing of this convention.

After a short debate, Mr. Carrigan, by leave, withdrew his resolution.

Mr. Smoote offered the following resolutions, which he asked should be referred to the committee on ordinances and resolutions:

1st. *Resolved*, That the platform of the party known as the black republican party, contains unconstitutional dogmas, dangerous in their tendency and highly derogatory to the rights of slave states, and among them the insulting, injurious and untruthful enunciation of the right of the African race in this country to social and political equality with the whites.

2d. *Resolved*, That it is the sense of this convention, from the past history of the party, known as the black republican party—from the past action of its leaders, and their course in the present crisis, and from the acts, utterances and conduct of its newly elected president, that said party intends to abide by and carry out, if possible, its insulting and unconstitutional platform.

3d. *Resolved*, That the seceded states have ample justification for having dissolved the ties which bound them to the old Federal Union, in the constant and unconstitutional political warfare made by the party, known as the black republican party, upon the institutions of the slave states, which warfare has culminated in the election of a president by that party, by a purely sectional vote—upon an unconstitutional platform, the principles of which, if carried out, would utterly ruin the South.

4th. *Resolved*, That this convention cannot shut its eyes upon the fact that the government of the United States is now under the control of said black republican party, and that said party has power to use every arm of the same, except, perhaps, the judicial.

5th. *Resolved*, That in the opinion of this convention it is a conclusion clearly resulting from the foregoing that every feeling of honor, interest and sympathy demand that the State of Arkansas should discontinue her present political relations with the United States of America, and unite herself with the Confederate States of America.

Mr. Kelley moved to refer said resolutions to the committee on federal relations; but afterwards withdrew his motion.

Mr. Bush offered the following as a substitute:

Resolved, That if the republican party should increase in in strength, and thereby be able to carry out its purposes in the federal government, Arkansas, acting in concert with her sister border states, has ample means of resistance, and is fully able at any time to resist any unconstitutional aggressions, and we have no need, therefore, to adopt, hastily, this last resort.

Mr. Floyd moved its reference to the committee on resolutions and ordinances.

Mr. Kelley moved to refer the original resolutions and substitute to the committee on federal relations; which motion prevailed.

Mr. Johnson offered the following

RESOLUTION:

Resolved, That any attempt to reinforce any of the forts, now held by the government of Lincoln, in the southern states, the first gun fired, in hostility against the seceding states, will be considered as coercion, and will be resisted by all the power of the state government of Arkansas.

Mr. Smoote moved to refer said resolution to the committee on federal relations; which motion prevailed, and the resolution was referred.

Mr. Fishback rose to a personal explanation, and called the attention of the convention to a part of the proceedings, as reported in the True Democrat of the 7th inst., which, he said, were calculated to misrepresent him, and assured the convention that he intended no disrespect to any person whatever.

Mr. Echols offered the following

RESOLUTION:

Resolved, That this convention fully recognizes the independence of the government known as the "Confederate States of America."

Mr. Echols moved its adoption.

Mr. Garland, of Hempstead, moved its rejection, and on the motion called for the yeas and nays.

Mr. Baber moved a call of the convention.

Mr. Gould moved that the resolution be referred to the committee on federal relations.

Mr. Garland, of Hempstead, stated that he intended moving a postponement, and not a rejection of the resolution.

Mr. President stated the question to be on the postponement of the resolution.

Mr. Echols asked leave to withdraw the resolution, for the purpose of presenting a substitute; which was decided out of order.

The following message was received from the governor, by the hands of his private secretary:

Mr. President—

I am instructed by his excellency, the governor, to communicate to your honor, the following letter, and to your very honorable body, the accompanying message.

Respectfully,
W. M. MATHENY,
March 9th, 1861. *Private Secretary.*

EXECUTIVE OFFICE,
Little Rock, Ark.,
March 9th, 1861.

Hon. DANID WALKER,
President of the State Convention:

SIR—I have the honor of receiving through the committee, appointed for that purpose, the resolution passed by your honorable body, requesting me to lay before the convention all the information in my possession, touching the political condition of the State of Arkansas, and further, that I communicate at my earliest convenience, all the information in my possession touching the seizure of the United States Arsenal, at this place.

In reply, I beg leave to communicate an address substantially responsive to the requests contained in said resolution.

There is one modification, however, that I desire to make, of the views expressed in said address, dated 2d March, to-wit: that intervening the passage of an ordinance—and the submission of the same to the people, for ratification, if the policy of coercion be practically adopted by the administration at Washington, that you define the condition of Arkansas to be one of neutrality, armed if necessary, until the final question shall be determined through the ballot-box.

I have the honor to be,
Very respectfully,
HENRY M. RECTOR,
Governor of Arkansas.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE,
Little Rock, March 2d, 1861.

Gentlemen of the Convention:

By authority of the people, acting in their sovereign capacity, you are assembled in convention, clothed with plenary powers to " alter, reform or abolish their government " in such manner as you may think proper.

The constitution of the State of Arkansas declares, "that all power is inherent in the people, and all free governments are founded on their authority and instituted for their peace, safety and happiness," and to these ends, may be abolished or reformed at pleasure.

In deference to uniform precedent, and with great respect to an assemblage, charged with such important duties, I have conceived it to be my duty to address you touching the momentous questions that imperil the honor, the lives, and the fortunes of our people.

No period in American history, nor any connected with the administrative policy of the civilized world, has imposed more solemn, more responsible, or more delicate duties upon an assemblage of men, than those which now devolve upon you whom I have the honor of addressing—and though with infinite distrust of my own abilities, I have, in the past, and shall continue in the future, to meet the grave questions at issue—as an honest man should do, who is willing to devote his honor, his life and his fortunes to the cause of his country. Unfortunate it may prove in future for the cause of civil liberty, that the American government, made up of confederated states—peopled from a common ancestry, and deriving the inestimable blessing of republican liberty from a common fountain, have from antagonistic, domestic and social institutions become alienated—distrustful and inimical to each other—until the ligaments of the Union, once like hooks of steel, have been severed so insensibly as almost to defy realization. On the 12th of December last, then, whilst American history had not recorded the separation of the United States—I communicated to the General Assembly what seemed to my mind an inevitable result, to-wit: that the union of the states was no longer an existing fact, and which succeeding events have too well testified; and that Arkansas, surrounded by inauspicious circumstances, should not hesitate to prepare for coming events, through a council of her people assembled in convention. Procrastination, however, and delay ensued, the legislature seeming to rely chiefly upon the hand of Providence, to stay the wind and dissipate the storm. Men and governments are the architects of their own fortunes, and success crowns those generally who endeavor to help themselves.

The question at issue before the people of Arkansas is, whether their honor, their future safety and happiness now and forever, impels them to separate from the Federal Union, and unite their fortunes with the seven seceding states, or, on the other hand, whether prudential motives shall admonish them to take refuge amidst the fragments of the old Union, hoping for a reconstruction of the government upon terms of honorable equality to the slaveholding states.

Surrounding circumstances are the true indices of all human action. What might have been of dubious propriety on yesterday, often becomes of paramount importance on to-morrow.

The United States, as they originally stood, were composed of thirty-three independent sovereignties—each one the judge of its own wrongs, and of the mode and measure of its redress. Upon this principle and none other, the original compact was formed, uniting each state with the general government. It was a treaty, or alliance of separate and distinct governments, for the purposes of mutual protection against the inroads or aggressions of the more powerful European powers—each state preserving its equality with either, or all the other states combined—inferior to none—the voice of its own people being the superior and ruling authority. The right of secession so implacably assailed, is but the fruit of the American revolution, announced to the world by our forefathers in their declaration of independence, and sealed by their blood at the battles of Monmouth, Bunker Hill and Lexington.

In our own constitution, by the "bill of rights," the right of the people to reform or abolish their government, is distinctly announced, and is the sheet anchor of their liberties; What would American liberty be worth, if the kingly prerogative existed in the general government to oppress a state, or a section of states, if the power of redress was not held in their own hands? If the states are not the judges of their rights or wrongs, who is the arbiter? Who is the umpire? Some point to the judicial arm of the government as an authority constituted to decide upon the relative rights of the states and the general government. That tribunal, organized to determine the civil rights of individuals, was never intended by its creators as a repository of political power. But whether in legal contemplation, the states have a right to secede or not, has now become entirely unimportant—they have done so, fully, emphatically, and completely—the enigma has been solved by practical demonstration. The golden chains once bracing up the loins of the Union, have been rent in twain by the very hands that forged them. Georgia and South Carolina, matrons among the original thirteen states, have thrown off the galling fetters, and struck a second time for unrestricted liberty.

Since they have exercised this abstract right, are they morally justified in what they have done? Have they in the light of heaven been sinned against, or are they sinning against others? Their offence, like our own, in the eyes of the northern people, is *slavery*. This institution, co-existent with the remotest periods of civilization, and sanctioned by divine authority, is declared by the president elect, to "be in the course of ultimate extinction." He has declared, and that truly, that the United States government "*cannot exist half slave and half free.*" An irrepressible conflict, says, he, is going on between freedom and slavery. That institution is now upon its trial before you, and if we mean to defend and transmit it to our children, let us terminate this northern crusade, by forming a separate government, in which no conflict can ensue.

But if, upon the othes hand, we are prepared to admit the argument, that slavery is a sin—that the melioration of the white and the black races requires us to abolish it, we shall keep in the true line of policy marked out by the incoming President, by remaining in the Union.

Great solace is indulged in by some, that it is the avowed purpose of black republican domination to permit slavery to remain unmolested in the states where it now exists; whilst it is as distinctly announced upon the other hand, that the institution shall be denied all power of expansion over territory now possessed or hereafter to be acquired.

The laws of physical science perceive no stand point, from which there is neither progression nor retrogade action. Peoples, governments, and the institutions of government, must either recede or advance. The area of slavery *must be extended correlative with its antagonism*, or it will be put speedily in the "course of ultimate extinction." It must invest the southern portion of North America, from the Atlantic to the Pacific, south of 36 deg. and 30 min. north latitude, to be permanent; else when hemmed in by a cordon of fire, "like a scorpion, it will sting itself to death." Put in the bounds, and it will soon have a general goal-delivery.

The extension of slavery is the *vital point* of the whole controversy between the North and the South, as is plainly manifested by the persistent opposition of the northern people to its being engrafted upon any newly acquired territory, whether south or north of the negro line. Does there exist inside the borders of Arkansas any diversity of sentiment, as to the religtous or moral right of holding negro slaves? Do any imagine that the non-slaveholder will be less involved pecuniarily and socially, in the extirpation of this institution than the slaveholder himself. The productive portion of the soil of Arkansas is so geographically circumstanced as to preclude the idea that it can be successfully cultivated by white labor. From these more fertile regions is produced by slave labor in superabundance, the staple commodity, cotton—justly stiled commercial king of Europe and America. From the exportation of this article alone, our people receive annually an influx of capital, which permeates the hill-tops and the valleys of every section and portion of the state. The cotton planter of the South exposed to insolubrious climes, indeed is but the factor for his northern neighbor—inhabiting the mountain region, blessed with health, free trade and remunerative prices for his grain, fruit, stock and other articles produced for and sold in a southern market. Who colud find a market for the surplus products of North Arkansas, if the more genial soil of the South was deprived of slave labor? God in his omnipotent wisdom, I believe, created the cotton plant—the African slave—and the lower Mississippi valley, to clothe and feed the world, and a gallant race of men and women produced upon its soil to defend it, and execute that decree.

There are two prominent points pressing themselves upon the attention of the people. First—to which portion or fragment of the old Union does Arkansas, by reference to her own interests, owe her allegiance. And in solving this difficulty, I assume that seven states having gone out, there is no Union—no United States government. There being thirty-three states to the compact, if one withdraws, is the compact broken? I think so. If seven withdraw, is it not then broken? That being denied—if thirty withdraw, leaving three behind, do the remaining three constitute *the Union?* Surely no man would answer that in the affirmative. Then the principle is the same from first to last, whether one or thirty states withdraw—the contract—the agreement—the partnership is dissolved. And each partner, whether by his act or the act of his associate, is released, and stands intact as he did before he signed the articles of agreement. If this course of reasoning is correct, the question for Arkansas to determine, is, whether she will join her sister states of the South, with whom she has a common interest, and must have a common destiny; or whether she will turn her eyes North, to Missouri, Kentucky, Maryland, and the eighteen abolition states, for sympathy and protection. If the cotton states had formed one government, and the border slave states and the North another; when Arkansas asked for admission, to which government would she have turned her attention, seeking an alliance? Certainly not to the northern government, wherein she must perpetually remain subordinate! but to the southern, of which she would have been an equal.

Fifteen southern states have failed in the past to protect slavery—how then can the remaining eight accomplish that object by remaining in the Union? Secondly, the doctrine of coercion announced by Mr. Lincoln, and indorsed recently by the lower house of Congress on the Branch amendment, by a vote of 136 to 53, leaves the whole question of secession or no secession a barren field for argument. The doctrine of coercion now stands at the summit of the controversy. Practically with Arkansas the question is, whether she is willing to contribute men and money to subjugate her southern sisters to the condition of conquered colonies. If she withdraws, she is lawfully relieved at once from the performances of this onerous duty. If she stays in, she must perform it, or rebel against proper authority, and this, when pressed to such a necessity, I believe her people will do. Amendments to the federal constitution are urged by some as a panacea for all the ills that beset us. That instrument is amply sufficient as it now stands, for the protection of southern rigets, if it was only enforced. The South wants practical evidence of good faith from the North, not mere paper agreements and compromises. They believe slavery a sin, we do not, and there lies the trouble..

All confidence is lost and it is too late to repair it. The honor and sensibilities of southern men have been trampled upon and wounded until the two sections stand in undisguised antagonism. What house can stand divided against itself? Let us then separate in peace if possible; if it not, then let it be in war, for separation must come sooner or later, and our danger increases in magnitude.

But with the fifteen slave states combined, as must ultimately be the case, having a population of 12,433,508,. and comprehending in their area 857,090 square miles—having the exclusive control of the cotton zone of the world, with the necessity on the part of Great Britain, France and other European governments of securing aliment for their cotton looms and spindles—the southern confederacy could not only soon induce peace at home, but exert an important influence upon the commercial interests of the world.

The shipping, mining and manufacturing interests of the North could not consent to lose, by incessant war, the advantages to be derived from peaceful and respectful intercourse with the agricultural states of the South.

The burthen of taxation necessarily imposed upon the people of the new government, it is said, must be onerous and oppressive.. The expenses incident to a government are proportionate to its magnitude. The government of the United States, when first organized, was maintained for years at a cost of less than seven millions of dollars annually. The indirect annual tax paid by the slaveholding states, upon foreign importations, exceed an amount sufficient to maintain and operate a southern confederacy.

Cotton is king, and will open up the channels of commerce to every portion of the civilized world, free of cost, to the country which produces it. Relieved of the fishing bounties now paid by the general government to the northern states exclusively—the tax upon iron now given Pennsylvania as a peace offering and a gratuity—the annual loss of slave property abstracted from the southern by the northern states, it may readily be perceived that the new government would be less expensive to the people than the old one, kept up at an annual expenditure of $60,000,000. Then, as a matter of honor—as a matter of future security, happiness, safety and independence—or as a question of dollars and cents, I am unable to perceive that the slaveholding states, by adhering to the old Union will consult their own interests, immediate or prospective.

In expressing to you these views, nevertheless, I wish it to be understood by all means, that I offer them in all respect to the sentiments entertained by other citizens, who see the matter in a different light; and I avail myself of this occasion to say to you, and to the people of Arkansas, a majority of whom have chosen me as their governor, that whatever your deliberations may result in, whether to secede or adhere to the Union, shall be executed by all the powers of the government subject to my command. I cannot dismiss the subject, however, without urging the propriety of submitting any ordinance that may be passed to the final action of the people by a direct vote. Their voice is omnipotent and ought to be consulted upon so important an event—the majority must rule, for their decision is the law. And if there is another wish that I may be permitted to express, it is, that the people of Arkansas, my native land, and the land of my fathers, may unite in one common verdict and build up a living rampart of freemen, united in one sentiment, eschewing all geographical distinctions—seeking one common destiny now and forever.

It is not unbecoming, I presume, that I should narrate hastily the recent events connected with the surrender of the United States arsenal at this place. In November last, almost immediately supervening my inauguration, a troop of sixty United States artillery was marched from the borders of Kansas, where their services were more needed, to the Little Rock arsenal. Such a thing was unprecedented, and I believed that they were sent here, contemplating the action of the southern states touching the propriety and right of secession. I must frankly admit that this movement aroused my suspicions, and met my unqualified disapprobation, for I knew full well that their presence would prove a constant source of irritation, and in this I was not mistaken. The states of Louisiana and Mississippi having declared their independence of the general government early in January, and necessarily putting themselves by armed occupation in defiance of hostile invasion by the Mississippi river—citizens of Arkansas on the border of that stream, became sensible of the imminent peril they were in if a collision ensued. Every device was by them immediately adopted to procure arms at their own cost for their defence. The supply at the North proved to be inadequate to the demand from the southern states—restrictions were laid and impediments offered by northern people against the transportation of arms south, and none could be obtained.

In this state of insecurity, a public meeting was held in the town of Helena, expressing the opinion that it was my duty, as governor of the state, to take the arsenal at Little Rock, offering 500 men to join in the enterprise. I responded by telegraph, as I had received the intelligence, that my position was, that the arms in the arsenal should neither be removed nor destroyed, nor would I permit the fort to be reinforced by federal troops. Considering a reinforcement in the heart of the state in time of profound peace as tantamount to a declaration of war, but until one or the other of these events occurred, I should not need the services tendered by the people of Phillips county. Various rumors subsequent to this, seemingly well authenticated, reached me that United States troops were on their way to Little Rock to reinforce the arsenal. Feeling that if I permitted this to be done, without making an effort to prevent it, that I should be lacking in duty, and being anxious to avoid the necessity of coming in collision with the federal authorities whilst the state was yet in the Union, I addressed a communication to Capt. Totten, commanding the arsenal, to the purport that I could not consent that the munitions of war under his command should be removed or destroyed, or that the post should be reinforced by additional troops—adding that any assurances that he might be able to give me, touching the observance of these three points, would greatly tend to quiet the public mind, and prevent a collision between the citizens of the state and the federal authorities.

The response to this communication was, that so far as he could or dare act, to prevent a collision, he would act, but that he owed his allegiance to the federal government, and must necessarily carry out any orders made by superior authority, that he would lay my communication before the secretary of war, at Washington, and if permitted, advise me of his instructions. Ten days elapsed, and no response was communicated to me from the secretary of war. From this I felt apprehensive that reinforcements were to be sent, and was on the lookout night and day for their arrival.

In the midst of this excitement and anxiety, Mr. J. A. Ashford, a highly respectable citizen of this place, a Kentuckian by birth, and a true friend of the South, came to my office and announced that he had learned by current report in Pine Bluff the day previous, that the steamer S. H. Tucker, ascending the river, had on board three or four hundred federal troops, destined for the Little Rock arsenal. This seemed improbable, though possible by all means, and luckily, before I consented to act upon his information, I required him to reduce his statement to writing. This he did without hesitation, and it is now on file in my office. I instantly ordered cannon to be planted on the wharf, to intercept the landing of the troops, and dispatched messengers to ascertain the truth or falsity of the report. On Sunday afternoon, February 3d, they returned, reporting that there were no troops on the Tucker, as had been reported. I immediately ordered the cannon to be returned and the volunteer force commanding them disbanded.

The rumor spread, however, in various directions, and on Tuesday the 4th, volunteer troops came in from the counties of Phillips, Jefferson, Prairie, White, Monroe, Hot Spring, and other counties, numbering some eight hundred men, with the avowed purpose of taking possession of the arsenal. The excitement became intense, the town council of Little Rock assembled and passed resolutions expressing the opinion that the demonstrations made on the part of the volunteers, was disrespectful to the executive, communicating their resolves to me through a committee. In a verbal response, I announced to the committee, that I did not so regard it, that the people were the judges of their own safety, and they deeming it necessary for their own protection, to put the arsenal in the possession of state authority, until the people acted in convention, was not, by me, construed into disrespect for the constituted authorities. I advised the committee, however, that the volunteer forces were neither here by my authority, nor within my knowledge. A meeting of the citizens then took place, requesting me to demand the surrender of the arsenal by authority, tendering me their aid and sympathy if I would consent to do so. To this I assented cheerfully, and after some negotiation, Capt. Totten surrendered the post to me, to be kept intact until the people of Arkansas, through their delegates in convention, should absolve me from that trust.

The correspondence referred to, is herewith submitted for your examination.

HENRY M. RECTOR,
Governor of Arkansas.

Which, together with the address referred to, was read and received.

Mr. Kelley moved to refer the message to the committee on state affairs.

Mr. Cypert moved to amend by referring so much of the message as referred to federal relations, to the committee on federal relations; which amendment was accepted, and the motion prevailed.

Mr. Thomason gave notice that on Monday next he would introduce the following additional rule, to-wit:

Rule 39. The President shall require that debatants confine themselves strictly to the question pending before the convention.

On motion of Mr. Stillwell, the convention adjourned until Monday morning, 10 o'clock.

DAVID WALKER,
President.

MONDAY, *March* 11*th*, 1861.

Convention met pursuant to adjournment.

Prayer by Elder Plattenburg.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—72.

The journal of Saturday was read, approved and signed.

Mr. President laid before the convention certain documents, relative to the seizure of the United States arsenal, at Little Rock; which, on motion of Mr. Gunter, were referred to the committee on state affairs, without being read. See *Appendix.*

Motions and resolutions were in order.

Mr. Murphy presented the following

RESOLUTION:

Resolved, That the officers of this convention be paid the same per diem that similar officers of the General Assembly received at its late session, and that the sergeant-at-arms receive the same pay as the door-keeper, to be paid out of the appropriation made by the General Assembly, to pay the necessary expenses of this convention.

Mr. Gould moved the adoption of the resolution; which motion was sustained, and the resolution accordingly adopted.

Mr. Robinson offered the following

RESOLUTION:

Resolved, That it is the deliberate sense of this convention, that African negroes, and the descendants of the African race, denominated slaves by all the constitutions of the southern slaveholding states, is property, to all intents and purposes, and ought of right to be so considered by all the northern states, being expressly implied by the constitution of the United States, and a denial on the part of the people of the northern states, of the right of property in slaves of the southern states, is, and of right ought to be, sufficient cause, if persisted in by northern people, to dissolve the political connection between said states.

Which, on motion of Mr. Garland of Pulaski, was referred to the committee on federal relations.

Mr. Hawkins, of Ashley, offered the following

RESOLUTION:

Resolved, That it is the sense of this convention, that it is the duty of the governor of the State of Arkansas to resist, by force of arms, any attempt on the part of the federal government, to levy men or money, within the limits of, or against said state, for the purpose of coercing back into the said Federal Union, any one, or all of the seceded states, for the purpose of holding or retaking arsenals or forts in any of said states, or for the purpose of enforcing the collection of duties and imposts therefrom.

Which resolution, upon motion of Mr. Garland, of Pulaski, was also referred to the committee on federal relations.

Mr. Thomason presented the following preamble and

RESOLUTIONS:

We, the people of the State of Arkansas, in convention assembled, in view of the unfortunate and distracted condition of our once happy and prosperous country, and of the alarming dissentions existing between the northern and southern sections thereof; and desiring that a fair and equitable adjustment of the same may be made; do hereby declare the following to be just causes of complaint on the part of the people of the southern states, against their brethren of the northern, or non-slaveholding states:

1. People of the northern states have organized a political party, purely sectional in its character, the central and controlling idea of which is, hostility to the institution of African slavery, as it exists in the southern states, and that party has elected a President and Vice President of the United States, pledged to administer the government upon principles inconsistent with the rights, and subversive of the interests of the people of the southern states.

2. They have denied to the people of the southern states the right to an equal participation in the benefits of the common territories of the Union, by refusing them the same protection to their slave property therein that is afforded to other property, and by declaring that no more slave states shall be admitted into the Union.

3. They have declared that Congress possesses, under the constitution, and ought to exercise, the power to abolish slavery in the territories, in the District of Columbia, and in the forts, arsenals and dock yards of the United States, within the limits of the slaveholding states.

4. They have, in disregard of their constitutional obligations, obstructed the faithful execution of the fugitive slave laws by enactments of their state legislatures.

5. They have denied the citizens of southern states the right of transit through non-slaveholding states with their slaves, and the right to hold them while temporarily sojourning therein.

6. They have degraded American citizens by placing them upon an equality with negroes at the ballot-box.

To redress the grievances hereinbefore complained of, and as a means of restoring harmony and fraternal good will between the people of all the states, the following amendments to the constitution of the United States are proposed:

1. The President and Vice President of the United States shall each be chosen alternately from a slaveholding and non-slaveholding state—but, in no case, shall both be chosen from slaveholding or non-slaveholding states.

2. In all the territory of the United States now held, or which may hereafter be acquired, situate north of latitude 36 deg. 30 min., slavery or involuntary servitude, except as a punishment for crime is prohibited while such territory shall remain under territorial government. In all the territory now held, or which may hereafter be acquired, south of said line of latitude,

slavery of the African race is hereby recognized as existing, and shall not be interfered with by Congress, but shall be protected as property by all the departments of the territorial government, during its continuance. And when any territory, north or south of said line, within such boundaries as Congress may prescribe, shall contain the population requisite for a member of Congress, according to the then federal ratio of representation of the people of the United States, it shall, if its form of government be republican, be admitted into the Union on an equal footing with the original states, with or without slavery, as the constitution of such new state may provide.

3. Congress shall have no power to legislate upon the subject of slavery, except to protect the citizen in his right of property in slaves.

4. That in addition to the provisions of third paragraph of the second section of the fourth article of the constitution of the United States, Congress shall have power to provide, by law, and it shall be its duty so to provide, that the United States shall pay to the owner, who shall apply for it, the full value of his fugitive slave, in all cases, when the marshal, or other officer, whose duty it was to arrest said fugitive, was prevented from so doing by violence; or when, after arrest, said fugitive was rescued by force, and the owner thereby prevented and obstructed in the pursuit of his remedy for the recovery of his fugitive slave under the said clause of the constitution and the laws made in pursuance thereof. And in all such cases, when the United States shall pay for such fugitive, they shall have the right, in their own name, to sue the county in which said violence, intimidation or rescue was committed, and to recover from it, with interest and damages, the amount paid by them for said fugitive slave. And the said county, after it has paid said amount to the United States, may, for its indemnity, sue and recover from the wrongdoers or rescuers, by whom the owner was prevented from the recovery of his fugitive slave, in like manner as the owner himself might have sued and recovered.

5. The third paragraph, of the second section of the fourth article of the constitution, shall not be construed to prevent any of the states from having concurrent jurisdiction with the United States, by appropriate legislation, and through the action of their judicial and ministerial officers, from enforcing the delivery of fugitives from labor to the person to whom such service or labor is due.

6. Citizens of slaveholding states when traveling through, or temporarily sojourning with their slaves in non-slaveholding states, shall be protected in their right of property in such slaves.

7. The elective franchise, and the right to hold office, whether federal, state, territorial or municipal, shall not be exercised by persons of the African race, in whole or in part.

8. These amendments, and the third paragraph of the second section of the first article of the constitution, and the third paragraph of the second section of the fourth article thereof, shall not be amended or abolished, without the consent of all the states.

That the sense of the people of the United States may be taken upon the amendments above proposed:

1. *Resolved by the people of Arkansas in Convention assembled;* That we recommend the calling of a convention of the states of the Federal Union, at the earliest practicable day, in accordance with the provisions of the fifth article of the constitution of the United States.

2. *Resolved further*, That a committee of three delegates of this convention be appointed, whose duty it shall be to lay before the President and Congress of the United States, and before the governors and legislatures of the several states, a copy of these proceedings.

3. *Resolved further*, That looking to the call of a national convention, as recommended in the first resolution above, this convention elect five delegates to represent the State of Arkansas in such convention.

4. *Resolved further*, That a committee of five delegates of this convention be appointed to prepare an address to the people of the United States, urging upon them the importance of a united effort on the part of the patriotic citizens of all section and parties to save the country from the dangers which impend it, and which threaten its destruction—and especially to arrest the reckless and fanatical spirit of sectionalism north and south, which, if not arrested, will inevitably involve us in a bloody civil war.

Mr. Grace moved that the resolutions be received, and that 200 copies be printed for the use of the convention; which motion prevailed.

Mr. Grace presented the following resolution, which, upon his motion, was referred to the committee on federal relations:

Resolved, That this convention recognize the right of any state to withdraw from the Federal Union, when, in the opinion of such state, a longer continuance in such Union will tend to the subversion of her constitutional rights and liberties.

Mr. Kennard offered, as an additional resolution to those offered by Mr. Thomason, the following:

Resolved by the people of the State of Arkansas in convention *assembled*, That we deem the amendments to the federal constitution proposed in the foregoing resolutions, or amendments, substantially the same as those, as necessary to the security of the people of the southern states in their rights to slave property, and that we will make the incorporation of these amendments in the constitution, the sole and only condition upon which Arkansas will continue her connection with the federal government.

Mr. Floyd moved its reception, and that it should be printed with Mr. Thomason's resolutions; but after some discussion, Mr. Kennard withdrew the resolution.

Mr. Thomason called up the additional rule of which he had previously given notice:

Mr. Patterson, of Jackson, moved to amend by striking out the word "strictly;" which amendment was accepted, and the rule as amended was adopted.

Reports from committees were in order.

Mr. Turner, from the committee on federal relations, made the following

REPORT:

Mr. President—

The committee on federal relations, to which was referred sundry resolutions, beg leave to report the following:

1. *Resolved*, That the government of the United States of America is a government of consent, and can only be administered by the will of the governed, legitimately expressed.

2. *Resolved further*, That the domination of a local and sectional majority tends to the despotic oppression of the minority, and is contrary to the spirit and genius of our government.

3. *Resolved further*, That the inauguration of the present administration of the United States, by the vote of a sectional majority, is an indignity to the southern states, grievous to be borne, and of which they justly complain.

4. *Resolved further*, That any attempt on the part of the federal government to coerce a seceding state, by an armed force, will be resisted by Arkansas to the last extremity.

5th. *Resolved further*, That we solemnly protest against the quartering of United States troops in any of the forts, arsenals or dock-yards, in any of the southern states, for the purpose of coercing any of the states that have seceded from the Federal Union, or for the purpose of preventing others from withdrawing from the same, without the consent of the state in which such forts, arsenals, or dock-yards may be situated, while the United States is at peace with other nations.

6th. *Resolved further*, That the execution of the federal laws in the seceded states, in the collection of revenues and duties, by other means than the local and civil authorities, or the recapturing of the forts, arsenals, and other property of the federal government in the seceded states, by an armed force, would be coercion.

All of which is respectfully submitted.

TURNER, *Chairman.*

Which was read and received.

Mr. Desha offered the following amendment:

Resolved, That we earnestly and respectfully remonstrate against our sister border siates taking any part in any action on the part of the federal government tending towards a recapture or retaking of any of the forts, arsenals or dock-yards in any of the seceded states, but we earnestly hope that they will firmly maintain a pacificatory course and use every patriotic and manly effort to bring about an honorable and amicable adjustment of our present difficulties and to restore peace and harmony to the country.

Mr. Adams, of Phillips, also offered the following as an amendment to the report of the committee:

Resolved; That the State of Arkansas will take and hold the possession of the arsenal at Little Rock, and will not permit any force of the United States to be quartered or placed therein.

Mr. Kelley moved its reference to the committee on federal relations.

Mr. President announced that the hour for resolutions having passed, the proposed amendments would lie on the table.

Mr. Kennard, from the committee on elections, made the following

REPORT:

Mr. President—

Your committee, to whom was referred a communication from his excellency, the governor, in which he declines to issue his proclamation to the sheriff of Fulton county, to hold an election to elect a delegate from said county to this convention, in accordance with a resolution passed by the convention, have had the same under consideration, and respectfully report as follows:

Your committee are unable to perceive the force of the reasoning by which his excellency seeks to avoid the performance of the duty enjoined upon him by the resolution referred to.

His excellency "perceives no authority under the constitution or laws of this state, by which he is authorized to issue a proclamation requiring an election to be held for a delegate to the convention, on any other than the 18th day of February." He communicates the important information that "a proclamation issued by him, *without law*, requiring a subordinate officer to do an act which *the people have not authorized him* nor the governor to perform, will trench upon their reserved rights, and savor strongly of usurpation."

It appears to your committee that this convention being, in legal contemplation, the whole people of the state, and the governor being the servant of the people, a resolution of this convention is as high a sanction as his excellency, or any other state officer, could have, or should desire, for any act required of him, especially for any act necessary to the objects contemplated by the assembling of the people in convention. And if his excellency did not hesitate to obey the direction of the legislature, contained in the act calling this convention, and did issue his proclamation, in accordance with the provisions of said act, for an election to be held on the 18th day of February, by how much this convention exceeds an ordinary legislature, in power and authority, with so much the more reason and propriety should he obey the direction of the convention, contained in the resolution referred to. And further, your committee are of opinion that, if, as his excellency suggests, the right to order and make provision for holding this election, "is within the scope of powers resting in the convention," beyond question, to make that power available, for the end desired, the convention may require of the governor, or of any other officer of the state, the exercise of any authority reposed in him by law, as in ordinary cases.

His excellency having volunteered a disquisition on the nature of government, in which he announces the novel doctrine that, "It is the prerogative of the people to form and remodel governments—the duty of the legislature to enact the laws, with a judiciary to expound, and an executive to enforce them;" your committee, on behalf of the convention, would venture to suggest to him another important corollary to these propositions, which may have escaped his observation, viz: that a convention of the people is supreme over all the departments of government provided for by the organic law of the state, that all officers provided for by law are but servants to the people, and the people have a right to require of them the performance of any duties within their appropriate and designated spheres of action. And further, if the people may "form and remodel governments," they may alter or abolish offices also, and their will is the tenure by which all offices are held.

His excellency doubts the power of the convention "to empower the governor to perform a ministerial act," and so intimates that the act required of him by the resolution referred to, *is* a ministerial act. Without proposing to discuss such a technicality, your committee would simply remark, they cannot perceive how any material distinction can be made between issuing the proclamation required in this case, and issuing a similar one in any other case provided for by law; or why the people, in convention assembled, may not, in that capacity, impose a duty upon the governor, as well as by legislative enactment, or by a constitutional provision.

In view of these considerations, your committee are of opinion that his excellency has acted, if not in disregard of the authority, at least under a strange misconception of the power of this convention, and of the principles involved in the question of duty presented to him by said resolution.

In order, therefore, that his excellency may distinctly understand that the convention dissents from the views expressed in his communication, and may be assured of the wishes of the convention, in the premises, your committee recommend the adoption of the following

RESOLUTIONS:

Resolved, That his excellency, Henry M. Rector, governor of the State of Arkansas, be, and he is hereby authorized and requested to issue his proclamation to the sheriff of Fulton county, requiring him to hold an election in said county, on Monday, the 1st day of April next, in accordance with the provisions of the act of the General Assembly calling this convention, for the purpose of electing one delegate from said county to this convention.

Resolved further, That the secretary of this convention be, and he is hereby instructed to place a copy of the foregoing report and resolution in the hands of the governor forthwith.

KENNARD, *Chairman*.

Which was read and received.

Mr. Yell suggested an amendment to the first resolution, by authorizing the president to issue an order for holding said election.

Mr. Murphy objected.

Mr. Kelley, from a select committee, made the following

REPORT:

Mr. President—

Your committee, appointed to confer with the ministers of the gospel resident in this city, and request them to open the sessions of this convention with prayer, have performed their duty, and report that such ministers have agreed that one of their number will be present to officiate each morning during the session.

KELLEY, *Chairman.*

Which was read and received.

The unfinished business on the calendar was then taken up.

On request of Mr. Floyd, Mr. Carrigan withdrew his motion to postpone the consideration of ordinance No. 1, in order that it might be referred to the committee on ordinances; which, on motion of Mr. Floyd, was done.

Mr. President stated that the proposition to postpone the consideration of the resolution introduced by Mr. Echols, would be in order.

After considerable debate, the convention, on motion of Mr. Turner, adjourned until to-morrow morning 10 o'clock.

DAVID WALKER,
President.

* * *

TUESDAY, *March* 12*th* 1861.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. Wheat.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhode, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—73.

The journal of yesterday was read, approved and signed.

Motions and resolutions were in order.

Mr. Fisback offered the following

RESOLUTION:

Resolved, That the president of this convention be, and he is hereby authorized to appoint one commissioner to each of the slaveholding states, to request their co-operation in an effort, through a national convention, to secure an adjustment of our political troubles, upon the basis of the resolutions offered by Mr. Thomason on yesterday.

Mr. Mayo, offered the following resolutions, as an additional amendment to those of Mr. Thomason:

Resolved, 1*st*. That whereas, the power of the government of the United States has passed into the hands of a strictly sectional majority, who have manifested an intention to render the commerce of the South subservient to the interests of the North; the opinion of this convention is, that it is positively necessary for the security of the South that the aforesaid government be forever prohibited, by a constitutional enactment, from levying an impost beyond a strictly revenue point, not to exceed 25 per cent. in any one case.

Resolved, 2*d*. That whereas, abolition incendiaries are attempting to corrupt the minds of the Indians upon our frontier, and stirring them up to hatred of the people of the South—there should be an amendment to the constitution making such acts felony.

Resolved, 3*d*. That having attempted, time and again, to obtain an acknowledgment of our rights in this manner, and having been repulsed as often as attempted, we are determined to make common cause with our sister seceding states to maintain our rights and liberties.

Resolved, 4*th*. Whereas, certain designing enemies of our country's cause have attempted to poison the minds of the people by charging upon the advocates of southern rights an attempt to build up a government founded upon property qualification, by the abandonment of principle; we denounce to the world our disbelief in any such attempt, as neither being founded in reason or fact.

Mr. Totten of Arkansas, by leave, moved the printing, both of the resolution offered by Mr. Fishback, and those of Mr.

Mayo, in connection with those offered by Mr. Thomason on yesterday, which motion prevailed.

There being no other regular business before the convention, on motion of Mr. Watkins, the special order of the day, being the resolution offered by Mr. Adams, of Phillips, relative to instructing the committee on ordinances to prepare an ordinance for the immediate and unconditional secession of the State of Arkansas from the Federal Union, and report the same to this convention, was taken up and read.

An animated discussion ensued, which was participated in by Messrs. Slemons, Smoote, Cypert and Johnson; and at the close of the remarks of Mr. Johnson, on motion of Mr. Echols, the convention adjourned until to-morrow morning at 9 of the clock.

DAVID WALKER,
President.

* * *

WEDNESDAY, *March* 13, 1861.

Convention met pursuant to adjournment.

There being no minister in attendance, the opening prayer was omitted.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelly, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—61.

Journal of yesterday read, approved and signed.

Mr. President laid before the convention the petition of 62 citizens of Washington county, praying that the Crittenden propositions may be accepted by this convention as the basis of a settlement of the present difficulties.

Mr. Robinson asked and obtained leave of absence for Mr. Crenshaw, on account of indisposition.

On request of Mr. Grace, the use of the hall was granted to Hon. Robert W. Johnson, to deliver an address to-night.

Motions and resolutions were in order.

Mr. Echols offered the following

RESOLUTIONS:

WHEREAS, The remarkably strong Union sentiment which prevails in this convention, leaves us no hope of the secession of the State of Arkansas from the Federal Union, which was a blessing under Washington, but a curse under Lincoln. And whereas, This convention is consuming a considerable amount of the state funds, with no hope of obtaining value received; and whereas, the predominating sentiment of this convention seems to be submission to the administration of Lincoln; therefore,

Be it resolved, That this convention is a nuisance, and should be adjourned *sine die* immediately.

Resolved further, That the people be requested to take their destiny in their own hands, and determine to live as freemen, or die as soldiers.

Resolved further, That as liberty or death was the rallying cry of George Washington, it should be that of the SOUTH.

Mr. Kelley moved to postpone the resolutions indefinitely.

Mr. Turner moved to reject the resolutions.

Mr. Garland of Hempstead moved that the convention refuse to receive the resolutions.

The question was put on the motion to reject, which motion prevailed, and the resolutions were thereby rejected.

Mr. Laughinghouse offered the following preamble and

RESOLUTIONS:

Whereas, It has been charged by certain persons that the object and intent of the secessionists are to build up a government founded upon property qualification, at the sacrifice of principle, which is untrue, and not founded in reason or fact.

Resolved, That this convention will not indorse such heresies, and are willing so to express themselves by disapproving of such doctrines.

Mr. Laughinghouse moved their adoption.

Mr. Flanagin called for the yeas and nays.

Mr. Watkins called for a division of the question.

Mr. Hobson offered the following amendment:

Resolved, That this convention is totally indifferent to what outsiders and ultraists express of its action or intentions, and feels no interest in any rumor irrelevant to the purpose for which it was convened.

Mr. Flanagin offered the following as a substitute for the resolution:

Resolved, That the true basis of all republican government is that representation should be apportioned amongst the people according to population, and not according to the value of taxable property, and that no property qualification, for any purpose should ever be established.

After some discussion, Mr. Laughinghouse, on leave, withdrew his resolution.

Mr. Garland of Hempstead offered the following

RESOLUTION:

Resolved, As the sense of this convention, that the people of Arkansas prefer a perpetuity of this Federal Union to its dismemberment or disruption—*provided it can be perpetuated upon a basis recognizing and guaranteeing equal rights and privileges to every state in the Union south as well as north.*

Mr. Stillwell moved its adoption.

Objections being made, the resolution was received and placed on the calendar.

Mr. Watkins moved that the convention take up Mr. Thomason's resolutions:

Mr. Watkins afterwards amended his motion by making said resolutions the special order for to-morrow morning 10 o'clock.

Mr. Thomason moved to amend the resolution introduced by

Mr. Adams of Phillips, instructing the committee on ordinances to report an ordinance for the immediate and unconditional secession of Arkansas from the Federal Union; and instructing them to report, in its stead, the resolutions introduced by him on Monday.

Mr. Watkins withdrew his motion.

Mr. Hanly offered to amend the resolution of Mr. Thomason, by striking out all after the preamble, and inserting an ordinance which he then introduced, entitled an ordinance to dissolve the Union between the State of Arkansas and the other states united with her, under the compact known as the "Constitution of the United States of America," and that the committee take into consideration the resolution of Mr. Adams of Phillips, the resolution af Mr. Thomason, and the ordinance just introduced, and report on them together.

AN ORDINANCE,

To dissolve the Union between the State of Arkansas and the other States united with her under the compact entitled "The Constitution of the United States of America."

Section 1. We, the people of the State of Arkansas, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the General Assembly of this state, on the eighteenth day of October, Anno Domini, one thousand, eight hundred and thirty-six, whereby the propositions set forth in an act of the Congress of the United States, entitled "an act supplementary to an act entitled 'an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes,'" approved the twenty-third day of June, Anno Domini, one thousand, eight hundred and thirty-six, and also all acts and parts of acts of the General Assembly of this state on the same subject, and recognizing the connection of this state with the U. S. of America, under the compact entitled "The Constitution of the United States of America," are hereby repealed; and that the union now subsisting between the State of Arkansas and the other states, under the name of "The United States of America," is hereby dissolved, and all the powers and authority heretofore conferred by this state, in manner aforesaid, to the United States of America, are hereby resumed by this state, and the people thereof.

Sec. 2. That the provisions above set sorth, are not to be in force or take effect until the same shall have been approved by the people of this state, to be expressed and ascertained in the manner hereinafter provided, that is to say: the president of this convention shall forthwith issue a proclamation ordering an election in all the counties in this state, submitting to the people the question of "Approval" or "Disapproval," of this ordinance, and the provisions thereof; the said election to be held on the first Saturday of May, Anno Domini, 1861, which election shall be held at the same places, and be conducted in the same manner, and governed by the same laws, that state elections are now conducted and governed; *Provided*, That the sheriffs of the several counties shall be required to give only ten days' notice of said election.

Sec. 3. That the ballots or tickets to be used and voted at such election, shall be indorsed, "approval" or "disapproval," from which a count shall be made, and the question determined, respecting this ordinance as aforesaid.

That the judges of said election shall make returns thereof to the clerks of their respective county courts, who shall open and compare the same as now required by law, and make an abstract of the votes given, which shall be filed in his office.

Sec. 4. That each clerk of the county court, immediately after the examination and comparison of the returns aforesaid, shall deposit in the post office at his county seat, a certified copy of the abstract filed in his office of the returns of such election, directed to the secretary of state at the seat of government.

Sec. 5. If there shall be a failure to receive any of the returns of such election at the seat of government for two mails after the same is due, the secretary of state shall dispatch a messenger to the county from which returns have not been received, with directions to bring up such returns or copies thereof.

Sec. 6. That it shall be the duty of the secretary of state, in the presence of the governor, auditor, treasurer, and judges of the supreme court, or any three or more of said officers, within thirty days after the time herein allowed to make returns of such election, or sooner, if all the returns have been received, to cast up and arrange the votes from the several counties, or such of them as have made returns, and make out and file in his office an abstract, showing the number of votes cast for "approval," and the number of votes cast for "disapproval," and if it shall appear from said returns that a majority of all the votes cast shall be for "approval," then, and in that event, the governor of this state shall forthwith issue a proclamation, declaring said fact, and cause the same to be published in five or more newspapers in this state, from and after which proclamation, this ordinance shall be taken and held to be in full force and effect, as if no condition had been annexed thereto; but if, on the contrary, a majority of said votes shall be for "disapproval," then, and in that event, this ordinance shall be taken and held as if the same had never been passed.

Mr. President stated the question to be on the amendment proposed to the resolutions of Mr. Adams of Phillips, by Mr. Thomason, and the amendment of Mr. Hanly to the amendment of Mr. Thomason.

Mr. Hanly moved that the consideration of said questions be made the special order for to-day.

Mr. Totten of Prairie, moved that they be made the special order for 2½ o'clock; which motion was lost.

On motion of Mr. Garland of Hempstead, it was ordered that 200 copies of the ordinance introduced by Mr. Hanly, be printed for the use of the convention.

Mr. Floyd moved that the convention take a recess until 2 o'clock; on which motion, Mr. Kelley called for the yeas and nays; and Mr. Floyd then withdrew his motion.

Mr. Fishback moved to adjourn until 2½ o'clock, but afterwards withdrew his motion.

Mr. Grace then moved to take a recess until 2½ o'clock; which motion prevailed on division.

2½ O'CLOCK.

Convention met.

Roll called.

PRESENT.

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of

Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—68.

The discussion relating to the proposed amendments to the resolution of Mr. Adams of Phillips, and those proposed to the resolutions of Mr. Thomason, was commenced by Mr. Grace.

After a spirited discussion, participated in by Messrs. Grace and Flanagin, on motion of Mr. Yell, the convention adjourned until 9 o'clock, to-morrow morning.

DAVID WALKER,
President.

THURSDAY, *March* 14*th*, 1861.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. Welch.

Roll called.

PRESENT.

Messrs. Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—70.

Mr. Austin asked and obtained leave of absence for Mr. Adams of Izard, on account of indisposition.

The journal of yesterday was read, approved and signed.

Mr. Mansfield, on leave, moved that the resolution introducd heretofore, by Mr. Adams of Phillips, in relation to the arsenal at Little Rock, be referred to the committe on state affairs; which motion prevailed, and the resolution was accordingly referred.

Mr. Carrigan then moved that the report of the committee on elections be taken up, which motion prevailed, and the report was read for information.

Mr. Patterson moved that the report be laid on the table, on which

Mr. Murphy called for the yeas and nays.

Mr. Garland of Pulaski, offered the following as a substitute for said report:

Resolved, That the president of this convention be, and he is hereby required to forthwith issue a proclamation for an election to be held in the county of Fulton, for a delegate to this convention, which election shall take place on the first Monday in April next, and such proclamation shall require the sheriff of said county to give ten days' notice of such election.

Mr. Patterson then withdrew his motion to lay the report on the table.

Mr. President stated that the question would be on the adoption of the report.

Mr. Gould moved to "recommit with instructions to report a resolution authorizing the president to order an election in Fulton county on a certain day."

Mr. President again stated the question to be on the adoption of the report.

Mr. Patterson of Jackson then renewed his motion to lay the report on the table.

Mr. Yell moved to adopt the substitute offered by Mr. Garland.

Mr. President stated the question to be on the motion of Mr. Patterson of Jackson, to lay the report on the table.

Mr. Hanly rose to a point of order, and Mr. President stated the question to be on the motion of Mr. Gould to recommit, upon which

Mr. Jester called for the yeas and nays, which call being sustained, was ordered, and had with the following result:

YEAS—Messsrs. Adams of Phillips, Batson, Clingman, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Laughinghouse, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton Smoote, Tatum, Totten of Arkansas, Totten of Prairie, Wallace and Yell—29.

NAYS—Messrs. Austin, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hanly, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Slemons, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins, Williams, and Mr. President—39.

So the report was not recommitted.

Mr. Garland of Pulaski, moved to adopt the report of the committee, which was adopted on division.

Mr. Garland of Pulaski then moved the adoption of the substitute offered by him.

Mr. Hanly moved to amend as follows:

And that the election hereby directed to be held, be held at the same places, and be conducted in the same manner in which state elections are now held under the laws of this state; and that the clerk of the county court send up the result of said election by the person who may receive a majority of the votes cast, to the secretary of state of this state, within ten days after the result of said election shall be ascertained, in the manner now prescribed by law; *Provided*, This convention shall then be in session, otherwise the said returns shall be sent up in the way now provided by law, as in case of the governor's election.

Mr. Desha moved to amend the substitute proposed, by striking out the word "first," and inserting in lieu thereof the word "third," so as to read the "*third Monday in April.*"

Mr. Mansfield moved to amend by adding an additional resolution, to-wit:

Resolved further, That the president of this convention be, and he is hereby authorized and directed to issue a proclamation to the sheriff of the proper county, requiring an election for a delegate or delegates to fill such vacancies as may occur in the representation of any county or counties in this convention, and that such election be held on such day as said president may appoint, and in all respects in accordance with the provisions of the act of the General Assembly, approved 15th January, 1861.

Which amendments were severally accepted, and the resolution as amended was adopted.

Mr. Mansfield offered the following

RESOLUTION:

Resolved, That his excellency, Henry M. Rector, governor of Arkansas, be, and he is hereby requested to inform this convention of the expenses per day, of holding the United States arsenal at Little Rock, under the stipulations by and between his excellency and the United States officer lately in command of said arsenal.

Which, on motion of Mr. Mansfield, was adopted.

Mr. Kennard moved that the consideration of the amendment to the amendment to the resolution of Mr. Adams, relative to instructing the committee on ordinances, be taken up; which motion prevailed, and the discussion was resumed.

After a spirited debate by Messrs. Hanley, Gould and Clingman, upon motion of Mr. Hobbs, the convention took a recess until 2½ a'clock, p. m.

2½ O'CLOCK, P. M.

Convention met.

Roll called.

It appearing that there was no quorum present, upon motion of Mr. Carrigan, the convention toook a recess for five minutes, when the roll was again called.

PRESENT:

Messrs. Adams of Phillips, Baber, Batson, Bolinger, Bradley' Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dollarhide, Dodson, Echols, Floyd, Fishback

Fuller, Fort, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hobbs, Hill, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—66.

Mr. Murphy asked and obtained leave of absence for Mr. Austin on account of indisposition.

There being a quorum present, Mr. Clingman, who gave way for a motion to take a recess, resumed his remarks.

After Mr. Clingman, followed Mr. Cypert and Mr. Mayo.

On motion of Mr. Desha, the convention adjourned until 9 o'clock to-morrow morning.

DAVID WALKER,
President.

* * *

FRIDAY, *March* 15*th*, 1861.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Stanley.

Roll called.

PRESENT:

Messrs. Adams of Phillips, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—69.

Mr. Laughinghouse asked and obtained leave of absence for Mr Shelton.

Mr. President stated that the resolution adopted yesterday had been enrolled, but that he did not feel authorized to sign it without its first being compared by a committee appointed for that purpose, or its being read before the convention.

Whereupon, on motion of Mr. Hanly, the resolution as enrolled was read, and the president authorized to sign it.

On motion of Mr. Fishback, the ordinary business of the convention was suspended, in order that the discussion pending at the adjournment yesterday evening might be resumed.

Mr. Mayo then resumed his remarks, at the close of which,

On motion of Mr. Tatum, the convention took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Phillips, Baber, Batson, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Gould, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Jester, Kelley, Kennard, Laughinghouse, Mansfield, Murphy, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—57.

Mr. Smoote asked and obtained leave of absence for Mr. Bussey.

The discussion pending at the time of taking a recess was then resumed. After arguments from Messrs. Turner, Smoote, and Kelly,

On motion of Mr. Johnson, the convention adjourned until 9 o'clock to-morrow morning, Mr. Adams, of Phillips county, having the floor.

DAVID WALKER,
President.

* * *

SATURDAY, *March 16th*, 1861.

Convention met pursuant to adjournment.

Prayer by Rev. P. S. G. Watson.

Roll called.

PRESENT:

Messrs. Adams of Phillips, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Jester, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—68.

Mr. Cypert asked and obtained leave of absence for Mr. Hobson, on account of indisposition.

Journal of yesterday read, approved and signed.

Mr. Hanly, on leave, presented to the convention, the following resolution of the Congress of the Southern Confederacy, and the accompanying letter from the President of the Confederate States of America, to the President of this Convention:

A RESOLUTION,

To authorize the President to send a Commissioner to the State of Arkansas.

The Congress of the Confederate States of America do resolve, That the President be, and he is hereby authorized to send a commissioner from this government to the convention of the State of Arkansas, to consult touching matter concerning their mutual interests.

HOWELL COBB,
President of Congress.

IN CONGRESS.

I certify that the above resolution was adopted by Congress, March 4th, 1861.

J. J. HOOPER,
Secretary of Congress.

To the President of the Convention of Arkansas:

Sir—The government of the Confederate States of America having an earnest desire that the State of Arkansas should unite her destinies with ours, I have been authorized to appoint, and do hereby appoint Williamson S. Oldham, a delegate in the Confederate Congress from the State of Texas, as special commissioner of this government to the State of Arkansas. And I have the honor to introduce him to you, and ask for him a reception and treatment corresponding to his station, and to the purposes for which he is sent. These purposes he will more fully explain to you. I have learned, with great satisfaction, that you, and the body over which you are called to preside, have assembled for the purpose of taking into consideration your relations to the government of the United States. Feeling that we have common interests, common wrongs and common dangers, we cordially invite you to unite with us and to adopt the only mode of redress, which, in our judgment, will secure our future tranquility and safety—

separation from the United States. Hoping that through his agency these objects may be accomplished, I avail myself of this occasion to offer to you the assurance of my most distinguished consideration.

JEFF. DAVIS.

Montgomery, Ala.,
March 9th, 1861.

Which were read.

Mr. Hanly moved that a committee of three be appointed to wait on such commissioner, invite him to communicate his mission to the convention at a practicable moment, and that he be permitted to take a seat within the bar of the convention.

Which motion prevailed, and Mr. President appointed Messrs. Hanly, Stirman and Murphy such committee.

Mr. President then presented the following communication from his excellency, governor Henry M. Rector:

Executive Office,
Little Rock, March 15th, 1861.

Hon. David Walker,
President of the State Convention:

Sir—I am in receipt of the resolution passed by your honorable body, requesting me to inform the convention of the expenses per day of holding the United States arsenal at Little Rock, under the stipulations between myself and Capt. James Totten, lately in command of that post.

In response to which, I beg leave to report that the pay of the twenty-three men now stationed at said arsenal, officers and privates, amounts to $27 25 per day

the twenty-three men now stationed at said arsenal, officers and privates, amounts to $27 25 per day	$27 25
Subsistence per day	5 00
Aggregate amount	$32 55

Upon the surrender of the arsenal, 8th February, owing to the then excited condition of the public mind, and having in view the large amount of public property liable to destruction stored in the arsenal. I ordered the post to be garrisoned by one hundred men.

In a day or two subsequent, the number was depleted materially, and so on, as circumstances would permit, and quiet was restored; the command has been gradually diminished to its present number, the cost per day corresponding proportionally with the rates above given for the present number.

I beg leave further to submit for the consideration of the convention, that any directions that it may deem necessary and proper to make, touching the retention of that post, until the status of Arkansas shall in some mode be finally determinmined upon, will be complied with on my part, whatsoever that may be. But, if upon the other hand I am left without instructions upon this subject, I shall regard it to be my duty, knowing the exposed and defenseless condition of our citizens, to keep the arsenal under the control of state authority, until the representatives of the people in convention, or in their legislative capacity, shall absolve me from that trust.

In doing this, however, the most rigid economy will be observed that surrounding circumstances may warrant. The "Phillips Guards," now stationed at the arsenal, upon the adjournment of your honorable body—in the absence of directions given by the convention—will be relieved from duty, and the post put upon a peace footing—making it necessary only thenceforward, to retain some two or three persons to preserve the munitions of war, grounds, etc., etc., intact.

Respectfully,

H. M. RECTOR.

Which was read, and on motion of Mr. Kelley, referred to the committee on state affairs.

On motion of Mr. Garland of Pulaski, a seat within the bar of the convention was allowed to Dr. L. P. Blackburne of Louisiana.

The consideration of the amendment to the amendment to the resolution of Mr. Adams of Phillips, relative to instructing the committee on ordinances to report an ordinance for the immediate and unconditional secession of the State of Arkansas from the Federal Union, was resumed.

Mr. Adams of Phillips, who asked the floor for this morning on last evening, then discussed the question.

Mr. Yell was called to the chair.

Mr. Smith followed Mr. Adams in the debate.

Mr. President resumed the chair, and Mr. Smith yielding to a motion to adjourn, Mr. Yell moved to adjourn until 9 o'clock Monday morning, on which, Mr. Cypert called for the yeas and nays, when Mr. Yell withdrew his motion.

Mr. Hanly then moved to adjourn until 9 o'clock Monday morning, and Mr. Cypert renewed the call of the yeas and nays, which being sustained was ordered, and had with the following result:

YEAS—Messrs. Echols, Floyd, Hanly, Hawkins of Sevier, Hill, Hilliard, Ray, Totten of Prairie and Yell—9.

NAYS—Messrs. Adams of Phillips, Baber, Bolinger, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Grace, Griffith, Gunter, Hawkins of Ashley, Hobbs, Jester, Johnson, Kelley, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Rhodes, Robinson, Shelton, Slemons; Smith, Smoote, Stallings Stillwell, Stirman, Stout, Thomason, Totten of Arkansas, Turner Walker, Watkins, Williams and Mr. President—51.

So the motion did not prevail.

On motion of Mr. Yell, the convention then took a recess until 3 o'clock, P. M.

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3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Batson, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hobbs, Jester, Kelley, Kennard, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Arkansas, Turner, Walker, Wallace, Watkins, Williams and Mr. President—57.

Mr. Smoote asked and obtained leave of absence for Mr. Bussey, on account of indisposition.

Mr. Smith then resumed his argument, at the conclusion of which, Mr. Garland of Hempstead, called for the question.

Mr. Garland of Hempstead, moved a call of the house, which motion prevailed, and it appeared that Messrs. Adams of Izard, Austin, Crenshaw, Hobson, Jackson and Spivey were absent on account of indisposition, and Messrs. Echols, Floyd, Grace, Hanly, Lanier, Smoote, Watkins and Yell were absent without permission.

Mr. Hanly appearing within the bar, on request, Mr. Garland of Hempstead, withdrew the motion for a call of the convention.

After some debate, Mr. Hill moved to adjourn until Monday morning 9 o'clock; which motion prevailed on division.

DAVID WALKER,
President.

MONDAY, *March* 18*th*, 1861.

Convention met pursuant to adjournment.

There being no minister present, the opening prayer was dispensed with.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson Dollarhide, Echols, Fishback, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—64.

Mr. Shelton asked and obtained leave of absence for Mr. Laughinghouse, on account of indisposition.

Mr. Campbell asked and obtained leave of absence for Mr. Patterson of Van Buren, on account of indisposition.

Mr. Johnson asked and obtained leave of absence for Mr. Hill, on account of indisposition.

Journal of yesterday read, approved and signed.

Mr. Hanly, on leave, presented the following report from the committee appointed to wait upon the Hon. Williamson S. Oldham, the commissioner from the Confederate States of America:

Mr. PRESIDENT—

The committee appointed to wait upon the Hon. Williamson S. Oldham, the commissioner of the Confederate States of America to this convention, have performed the duties assigned them, and have instructed me to report the result. Your committee had the honor to wait upon the Hon. Williamson S. Oldham on Saturday evening last, and informed him that this convention would be pleased to receive him in their hall, and receive from him any communication he might have to make to this body touching the subject of his mission. I am instructed to say that your committee were requested to present the compliments of Mr. Oldham to this convention and his thanks for the honor conferred upon him individually, and the Confederate States of America, which he has the honor to represent, by the invitation to appear before the convention and communicate the objects of his mission. He desired your committee further to say that it would suit his convenience to appear before the convention and make his communication at 10 o'clock, A. M., this day.

All of which is respectfully submitted, and your committee ask to be discharged from further duties, etc.

HANLY, *Chairman.*

Which was read, and on motion of Mr. Floyd, received.

Upon motion of Mr. Gould, the convention took a recess until 10 o'clock.

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10 O'CLOCK.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Floyd, Fuller, Garland of Hempstead, Garland of Pulaski, Grace, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Johnson, Kennard, Lanier, Mansfield, Mayo, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins; Williams, Yell and Mr. President—58.

Mr. Hanly as chairman of the committee appointed to wait on the Hon. Williamson S. Oldham, then introduced him to the President, who, in turn, introduced him to the convention.

After the communication was made, Mr. President stated that the question would be on the amendment to the amendment of the resolution offered by Mr. Adams of Phillips.

The question was then called, and, on a call of the convention, it appearing that several delegates were absent, on account of indisposition, on motion, a committee of three, consisting of Messrs. Watkins; Hanly and Gunter, in connection with the secretary, were appointed by the president, with instructions to wait on such absentees, and receive their votes on the proposition now pending before the convention.

On motion of Mr. Smoote, the convention took a recess until 2½ o'clock, p. m.

2½ O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—63.

Mr. Bussey asked and obtained leave of absence for Mr. Cryer, on account of indisposition.

On motion of Mr. Watkins, the convention took a recess for ten minutes; at the expiration of which time, the roll was again called, and it appeared that Messrs. Hill, Jackson, Laughinghouse and Spivey were absent on account of indisposition.

Mr. Watkins moved that the committee appointed to wait on such absentees, have 15 minutes in which to see them, and receive their votes; which motion prevailed.

The committee having performed the duty assigned them, the roll was again called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelly, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—71.

Mr. Watkins, on the part of the committee appointed to receive the votes of the absentees, asked and obtained leave to make a verbal report, and to record their votes when their names should be called.

Mr. Thomason called for the yeas and nays; which call being sustained, was ordered, and had with the following result:

Yeas—Messrs. Adams of Phillips, Baber, Batson, Bussey, Clingman, Crenshaw, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Laughinghouse, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Slemons, Shelton, Smoote, Tatum, Totten of Arkansas, Totten of Prairie, Wallace and Yell—35.

Nays—Messrs. Adams of Izard, Austin, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jackson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Smith, Spivey, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins and Williams—39.

So the amendment of Mr. Hanly to the amendment of Mr. Thomason, to the resolution of Mr. Adams, of Phillips, was lost.

Mr. Watkins offered the following amendment to the amendment of Mr. Thomason:

Amend by striking out the second resolution and inserting the following:

Resolved, That the President of this convention transmit to the President and Congress of the United States, and to the governors and legislatures of the several states, a copy of these proceedings.

Resolved, That the vote for or against the above resolutions, as amended, be taken without reference to a committee, as proposee in the original resolution.

Which amendment Mr. Thomason accepted.

Mr. Yell offered the following amendment to the resolutions of Mr. Thomason, as amended, moved its adoption, and called for the yeas and nays:

AN ORDINANCE,

To dissolve the union between the State of Arkansas and the *other States united with her under the compact entitled "The Constitution of the United States of America."*

SECTION 1. We, the people of the State of Arkansas, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the General Assembly of this state, on the eighteenth day of October, Anno Domini one thousand, eight hundred and thirty-six, whereby the propositions set forth in an act of the Congress of the United States, entitled "an act supplementary to an act entitled 'an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes,'" approved the twenty-third day of June, Anno Domini, one thousand, eight hundred and thirty-six, and also all acts and parts of acts of the General Assembly of this state on the same subject, and recognizing the connection of this state with the U. S. of America, under the compact entitled "The Constitution of the United States of America," are hereby repealed; and that the union now subsisting between the State of Arkansas and the other states, under the name of "The United States of America," is hereby dissolved, and all the powers and authority heretofore conferred by this state, in manner aforesaid, to the United States of America, are hereby resumed by this state, and the people thereof.

SEC. 2. That the foregoing preamble and resolutions and ordinance shall not, nor shall either of them be in force until they shall have been approved by the people of this state, to be expressed and ascertained in the manner hereinafter provided; that is to say, the president of this convention shall forthwith issue a proclamation, ordering an election in all the counties in this state, submitting to the people the question as to which they will approve, the preamble and resolutions, or the ordinance. The said election to be held on the first Saturday of ——, 1861; which election shall be held at the same places, and be conducted in the same manner, and governed by the same laws, that state elections are now in this state conducted and governed; *Provided*, That the sheriffs of the several counties shall be required to give only ten days' notice of said election.

SEC. 3. That the ballots, or tickets, to be used and voted, at said election, shall be indorsed, "approval of the preamble and resolutions," or "approval of the ordinance;" from which said ballots, counts shall be made, and the question determined as to the greater number of votes, and if it appear that the preamble and resolutions shall have the greater number of votes, they shall be declared adopted; and if it appear that the ordinance has the greater number of votes, it shall be declared adopted.

Sec. 4. That the judges of said election shall make returns thereof to the clerk of their respective county courts, who shall open and compare, as now compared, the same, as now required by law, and make an abstract of said votes given, which shall be filed in his office.

Sec. 5. That each clerk of the county court, immediately after the examination and comparison of the returns aforesaid, shall deposit in the post-office in his county seat a certified copy of the abstract filed in his office of the returns of said election, directed to the secretary of state at the seat of government.

Sec. 6. If there shall be a failure to receive any of the returns of such election at the seat of government, for two mails after the same is due, the secretary of state shall dispatch a messenger to the county from which returns have not been received, with directions to bring up such returns, or copies thereof.

Sec. 7. That it shall be the duty of the secretary of state, in the presence of the governor, auditor and treasurer, or any two of them, within thirty days after the time herein allowed to make returns of said election, or sooner, if the returns have been received of said election, to cast up and arrange the votes from the several counties, or such of them as have been received, and make out and file in his office an abstract showing the number of votes cast for the preamble and resolutions, and the number of votes cast for the ordinance; and if it shall appear that the greater number of votes shall be cast for the preamble and resolutions; or if it shall appear that the greater number of votes shall be cast for the ordinance, the governor of the state, upon either event happening, shall issue his proclamation declaring the fact of the preamble and resolutions being adopted, or the fact of the ordinance being adopted as the case may be, and cause the same to be published in five different newspapers printed in different parts of this state, and if it shall appear that the majority of the votes are for the preamble and resolutions, that then and in that event they shall be held and considered adopted, as if no condition had been affixed thereto. And if it appear that the greater number of votes has been cast for the ordinance, then, and in that event, said ordinance shall be held and considered adopted as if no condition had been affixed thereto—and that either of said propositions, if adopted, shall have the force and binding effect as if adopted by this convention. Upon it being made appear that either of the foregoing propositions are adopted, the governor shall, forthwith issue his proclamation assembling this convention at the capital on a day to be named by him.

Mr. Watkins moved its indefinite postponement, and called for the yeas and nays, which call being sustained was ordered and had with the following effect:

Yeas—Messrs. Adams of Izard, Austin, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hill, Hobbs, Hobson, Jester, Kelly, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins, Williams and Mr. President—36.

Nays—Messrs. Adams of Phillips, Baber, Batson, Bussey, Clingman, Crenshaw, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Tatum, Totten of Arkansas, Totten of Prairie, Wallace and Yell—33.

So the amendment to the amendment was indefinitely postponed.

Mr. Batson introduced the following as a substitute for the resolutions of Mr. Thomason:

AN ORDINANCE,

Entitled an ordinance to provide for the holding an election throughout this state, to obtain an expression of the people thereof, touching the expediency of secession or no secession.

Section 1. *Be it ordained by the people of the State of Arkansas in convention assembled,* That hereafter, to-wit: on the ——— ——— ———, there shall be an election held throughout this state, to be in all things conducted and managed as state elections are now held, conducted and managed, under the existing laws of this state.

Sec. 2. *Be it further ordained by the authority aforesaid,* That within five days after the adoption of this ordinance, the governor of this state, shall issue his proclamation, directing the sheriffs throughout this state to advertise said election in their respective counties, stating in said advertisements, the object of said election, and the time and places of holding the same in their respective counties, the proclamation of the governor, and the advertisements of the sheriffs, to be published as now required by law in case of state elections.

Sec. 3. *Be it further ordained by the authority aforesaid,* That at the election hereinbefore provided for, the tickets or ballots voted by the electors shall be indorsed "secession," or "no secession."

SEC. 4. *Be it further ordained by the authority aforesaid*, That the returns of such election shall be made by the same persons, and to the same officer, and shall be opened and compared by the same persons, in the same manner, and within the same time, as now required by law, in case of state elections.

SEC. 5. *Be it further ordained by the authority aforesaid*, That each clerk of the county court, immediately after the examination and comparison of the returns aforesaid, shall make an abstract of the votes given, and file the same in his office, and shall deposit in the post-office, at his county seat, a copy of such abstract, directed to the secretary of state, at the seat of government, and if there shall be a failure to receive any of the returns of such election at the seat of government, for two mails after the same is due, the secretary of state shall dispatch a messenger to the county from which returns have not been received, with directions to bring up such returns or copies thereof.

SEC. 6. *Be it further ordained by the authority aforesaid*, That it shall be the duty of the secretary of state, in the presence of the governor, treasurer, auditor, and supreme judges, or any two or more of said officers, within thirty days after the time herein allowed, to make returns of such election, or sooner if all the returns have been received, to cast up and arrange the votes from the several counties, or such of them as have made returns, and make out and file in his office an abstract showing the number of votes cast for "secession," and the number of votes cast for "no secession," and forthwith cause a copy of such abstract to be published in five or more newspapers printed in this state.

SEC. 7. *Be it further ordained by the authority aforesaid*, That if it should appear from the publication of the secretary of state, as aforesaid, that a majority of all the votes cast at such election, are for "secession," then, and in that event, the delegates of this convention shall re-assemble in this hall on —— ——— ———, and the said vote shall be regarded, considered and treated as an instruction to this convention, and the delegates thereof to vote for an unconditional ordinance of secession, and as directions to them to adopt measures by which this state can resume to herself all the powers delegated to the federal government, by the ordinance adopted by the General Assembly of this state, on the 18th day of October, A. D. 1836.

SEC. 8. *Be it further ordained by the authority aforesaid*, That if it shall appear from the publication of the secretary of state, as aforesaid, that a majority of all the votes cast at such election, are for "no secession," then, and in that event, this convention be, and the same is hereby dissolved and adjourned *sine die*.

Mr. Johnson moved the adoption of the substitute, and called for the yeas and nays.

Mr. Hobson moved to adjourn until to-morrow, 9 o'clock; which motion was carried on a division.

DAVID WALKER,
President.

* * *

TUESDAY, *March* 19*th* 1861.

Convention met pursuant to adjournment.

Prayer by Elder George Plattenburg.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—64.

Mr. Gould asked and obtained leave of absence for Mr. Stirman, on account of indisposition.

The journal of yesterday was read, approved and signed.

The usual order of business was dispensed with, and Mr. President stated the question before the convention would be on the adoption of the substitute offered by Mr. Batson, to the resolution offered by Mr. Thomason, as an amendment to the resolution offered by Mr. Adams, of Phillips, relative to instructing the committee on ordinances.

Mr. Watkins moved that the convention take a recess until 2½ o'clock, p. m., which motion prevailed.

2 ½ O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—70.

On motion of Mr. Totten, of Prairie, the convention adjourned until 10 o'clock to-morrow morning.

DAVID WALKER,
President.

WEDNESDAY, *March 20th*, 1861.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. Welch.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Lanier, Mansfield, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Williams, Yell and Mr. President—65.

Mr. Shelton asked and obtained leave of absence for Mr. Hawkins, of Sevier.

Mr. Totten asked and obtained leave of absence for Mr. Hill.

Mr. Bush asked and obtained leave of absence for Mr. Tatum.

The journal of yesterday read, approved and signed.

Mr. President stated the question to recur on the substitute of Mr. Batson to the amendment of Mr. Thomason.

Mr. Murphy moved to take a recess for one hour; which motion prevailed.

At the expiration of which time, the convention reassembled, and the roll was called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Wallace, Watkins, Williams, Yell and Mr. President—66.

Mr. Totten, of Prairie, moved to lay the substitute of Mr. Batson, the amendment of Mr. Thomason, and also the resolution of Mr. Adams, of Phillips, informally on the table; which motion prevailed.

Whereupon, Mr. Totten, of Prairie, offered the following:

AN ORDINANCE

To provide for holding an election in the State of Arkansas, for the purpose of taking the sense of the people of the state on the question of "co-operation" or "secession."

Section 1. *Be it ordained by the people of Aruansas, in convention assembled*, That an election shall be held, in all the counties in this state, on Monday, the 5th day of August, 1861, at which the question of "Co-operation" or "Secession" shall be submitted to the people of this state; which election shall be held and conducted, in all respects, in accordance with the laws of the state now in force, prescribing the manner of holding elections; *Provided*, That the sheriffs of the several counties shall be required to give at least thirty days' notice of the time and places of holding said elections, by advertisement thereof, as required by law for ordinary elections.

Sec. 2. *Be it further ordained*, That the ballots or tickets to be used in said elections shall be indorsed "for co-operation," or "for secession," from which ballots, count shall be made by the judges, and they shall ascertain how many votes are cast for "co-operation," and how many are cast "for secession," at their respective precincts, and shall duly certify the result of said count, and make return thereof to the clerk of their respective counties, who shall open and compare said returns as they are now required by law to open and compare other elections; and each clerk shall make an abstract of the vote of his county upon the question of "secession" or "co operation," and file the same in his office; and shall, also, at the same time, make out, under his seal, and deliver to the delegate or delegates from his county to this conv[illegible]on, a copy of said abstract, to be returned by them to the office of secretary of state, as hereinafter provided.

Sec. 3. *Be it further ordained*, That the delegates to this convention shall be made special returning officers, to bring up the certified vote of their respective counties, on the question of "co-operation" or "secession," to the office of secretary of state; which vote, from all the counties, shall be opened and counted by the secretary of state, in the presence of the governor, auditor, and treasurer, or any two of them, on Monday, the nineteenth day of August, 1861; and said officers, or any three of them, shall certify to the president of this convention, when the same shall be again convened, as hereinafter provided, the whole number of votes cast in the state "for co-operation," and the whole number of votes cast "for secession," and if, from any cause, any delegate shall be unable to bring up the vote of his county, as herein provided, he shall have power, and it shall be his duty to appoint a special messenger, to be the bearer of the same, in his stead; and if, from any cause, there should be no delegate from any county, then the clerk of said county shall appoint a messenger to bring up the vote thereof.

Sec. 4. *Be it further ordained*, That the delegates or other messengers, who shall bring up the votes of the different counties, shall receive the same mileage as is provided to be paid to returning officers by the act of the General Assembly calling this convention.

Sec. 5. *Be it further ordained*, That if it shall appear, when the result of said election shall be made known to this convention, that a majority of all the legal votes cast in the state have been cast for "secession," then, in that event, such vote shall be taken to be instructions to this convention to pass an act of immediate secession, and the convention shall at once pass an ordinance, dissolving the connection existing between the State of Arkansas and the federal government, known as the "United States of America;" but if a majority of all the legal votes have been cast for "co-operation," then this convention shall immediately take such steps as may be deemed proper to further co-operation with the border, or unseceded slave states, in efforts to secure a permanent and satisfactory adjustment of the sectional controversies disturbing the country.

Sec. 6. *Be it further ordained*, That the president of this convention be, and he is, hereby instructed to issue his proclamation, within ten days after the adoption of this ordinance, to the sheriffs of the several counties in the state, requiring them to hold an election in their respective counties, in conformity to the provisions of this ordinance.

Sec. 7. *Be it further ordained*, That when this convention shall adjourn, it shall adjourn [illegible] meet on the 19th day of August, 1861.

Which was read, and, on motion of Mr. Adams, of Phillips, adopted.

Mr. Watkins then introduced the following preamble and

RESOLUTIONS:

Whereas, The States of Virginia and Missouri, in conventions assembled, have called upon the border slave states, to-wit: Delaware, Maryland, North Carolina, Tennessee, Kentucky and Arkansas, to unite with them in an effort to accomplish a satisfactory adjustment of the sectional differences which threaten ruin and destruction to our once happy and prosperous Union; *And whereas,* the State of Virginia, through her convention, has named the 27th day of May next, at Frankfort, Kentucky, as a suitable time and place for holding a conference or convention of said border slave states, for the purpose, if possible, of determining upon a plan of adjustment which shall be fair and equitable to all the states.

And whereas, The State of Missouri, animated by a like patriotic desire to obtain a speedy adjustment of our difficulties, has appointed commissioners, instructed to represent her in such border state convention, at such time and place as may be agreed upon by two or more of said border slave states:

Resolved 1, *by the people of the State of Arkansas in convention assembled,* That we accede to the propositions of the States of Virginia and Missouri, for the holding of the convention of the border slave states, declaring it to be our desire and purpose to co-operate with said border states in an earnest effort to settle the unhappy controversies now distracting our country, in the spirit in which the constitution of our Union was originally framed, and consistently with its principles, and in such a manner, and upon such a basis, as shall secure to the people of the southern or slaveholding states, adequate guarantees of their rights.

Resolved, 2. That in accordance with the suggestion of the State of Virginia, we propose Frankfort, Kentucky, and the 27th day of May next, as a suitable place and time for holding said conference or convention of the border slave states.

Resolved, 3, That this convention elect five commissioners, or delegates, whose duty it shall be, when notified by the president of this convention, that a majority of said border slave states have acceded to the proposition of the States of Virginia and Missouri, for holding a border state convention, to repair to the city of Frankfort, or to such other place as may be agreed upon, on the day designated in the foregoing resolution, or on any other day that may be agreed upon, to meet such commissioners, or delegates, as may be appointed by said border slave states, for the purpose of deliberating upon the matters hereinbefore referred to.

Resolved, 4. That if said commissioners or delegates, after full and free conference, shall agree upon any plan of adjustment, or upon any course of action to be pursued by said states, then the commissioners or delegates hereby appointed, shall report the same to an adjourned session of this convention heretofore provided for.

Resolved, 5. That the president of this convention be instructed to transmit, immediately, copies of these resolutions to the executives of the several states hereinbefore named, with the request that said executives inform him, as soon as practicable, of the action of their respective states in reference to the proposition for a border slave state convention, and that, when informed that a majority of said states have agreed upon a time and place for holding said convention, he shall forthwith inform the commissioners or delegates elected under the provisions of the third resolution above, of that fact.

Resolved, 6. That the commissioners or delegates herein provided for, shall receive for their services, whilst in attendance on the sittings of said border state convention, the same pay, both as to *per diem* and mileage, as is allowed by law, to members of this convention, to be paid upon the certificate of the president of this convention, out of any moneys in the state treasury, not otherwise appropriated.

Which were read, and Mr. Watkins moved their adoption.

On which motion, Mr. Patterson of Jackson, called for the yeas and nays, which being sustained, was ordered and had with the following result, the absentees having permission to record their votes as if present, when desirous:

Yeas—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Crenshaw, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hill, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Robinson, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins, Williams and Mr. President—41.

Nays—Messrs. Adams of Phillips, Batson, Bussey, Clingman, Cryer, Dollarhide, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes Shelton, Slemons, Smoote, Totten of Arkansas, Totten of Prairie, Wallace and Yell—27.

So the resolutions were adop[illegible]

On motion of Mr. Patterson of Jackson, 5,000 copies of the ordinance and resolutions were ordered to be printed for the use of the convention.

On motion of Mr. Kennard, the convention took a recess until 2½ o'clock.

2½ O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Fishback, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hawkins of Ashley, Hilliard, Hobbs, Hobson, Jester, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Wallace, Watkins, Williams, and Mr. President—55.

Mr. Bolinger asked and obtained leave of absence for Mr. Walker, on account of indisposition.

On motion of Mr. Thomason, the resolutions introduced by him were taken up.

Mr. Thomason moved their adoption, and Mr. Smoote moved a call of the house, but the absentees appearing in a few moments within the bar of the convention, withdrew the motion.

Mr. Batson then, on leave, withdrew the substitute offered by him to the resolutions of Mr. Thomason.

Mr. Watkins, from a select committee, on leave, recorded the votes of the absentees, on the vote taken this morning on the resolutions offered by Mr. Watkins, as instructed by such absentees:

YEAS—Messrs. Jackson and Spivey—2; making the total vote in the affirmative—43.

NAYS—Messrs. Hawkins of Sevier, Laughinghouse and Tatum—3.

Mr. Echols asked and obtained leave to record his vote in the negative, making the total vote in the negative—31.

Mr. Mayo offered to amend the resolutions offered by Mr Thomason, by inserting between the 7th and 8th proposed amendments to the constitution, the following:

Resolved, 1*st*. That whereas, the power of the government of the United States has passed into the hands of a strictly sectional majority, who have manifested an intention to render the commerce of the South subservient to the interests of the North; the opinion of this convention is, that it is positively necessary for the security of the South, that the aforesaid government be forever prohibited, by a constitutional enactment, from levying an impost beyond a strictly revenue point, not to exceed 25 per cent. in any one case.

Resolved, 2*d*. That whereas, abolition incendiaries are attempting to corrupt the minds of the Indians upon our frontier, and stirring them up to hatred of the people of the South—there should be an amendment to the constitution making such acts felony.

Mr. Mayo then moved the adoption of the amendment, and called for the yeas and nays on the motion, which call being sustained, was ordered and had with the following result:

YEAS—Messrs. Adams of Izard, Batson, Clingman, Cryer, Flanagin, Floyd, Gould, Hilliard, Lanier, Mayo and Totten of Arkansas—11.

NAYS—Messrs. Adams of Phillips, Austin, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Crenshaw, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hanly, Hawkins of Ashley, Hill, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Prairie, Turner, Walker, Williams and Mr. President—52.

So the amendment was lost.

Mr. Mayo then moved to amend by inserting between the 7th and 8th proposed amendments to the constitution of the United States, as follows:

Resolved, That whereas, the power of the government of the United States has passed into the hands of a strictly sectional majority, who have manifested an intention to render the commerce of the South subservient to the interests of the North; the opinion of this convention is, that is positively necessary for the security of the South, that the aforesaid government be forever prohibited, by a constitutional enactment, from levying an impost beyond a strictly revenue point, not to exceed 25 per cent. in any one case.

Mr. Hanly moved the adoption of the amendment, and called for the yeas and nays on the motion, which being sustained was ordered and had, with the following result:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Batson, Bussey, Clingman, Crenshaw, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hill, Hilliard, Johnson, Lanier, Mayo, Rhodes, Robinson, Shelton, Smoote, Totten of Arkansas, Totten of Prairie and Wallace—28.

NAYS—Messrs. Austin, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Ray, Slemons, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins, Williams and Mr. President—38.

Mr. Patterson, of Jackson, asked to be and was excused from voting.

So the motion to amend the resolutions did not prevail.

Mr. Smoote offered to amend by adding after the third recital of grievances, in the preamble to Mr. Thomason's resolutions, as follows:

"They have clearly indicated by their platform and policy—by their state legislation—by the acts and declarations of their leaders, and by their attacks, in various ways, on the institution of African slavery in the states where it now exists, that it is their intention to finally extinguish slavery in the slave states."

Mr. Smoote moved its adoption.

On which Mr. Hanly called for the yeas and nays; which being sustained, was ordered and had with the following result:

YEAS—Messrs. Adams of Phillips, Batson, Bussey, Clingman, Crenshaw, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins, of Ashley, Hill, Hilliard, Johnson, Lanier, Mayo. Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Smoote, Totten of Arkansas, Totten of Prairie and Wallace—29.

NAYS—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Watkins, Williams and Mr. President—36.

So the amendment was not adopted.

Mr. Patterson, of Jackson, offered to amend the last clause of the second paragraph, proposing amendments to the constitution of the United States, as follows:

Provided, That no state shall be admitted whose territory shall be south of 36 deg. 30 min., unless it is provided in the constitution of such state that slavery shall be perpetual, unless abolished by a majority of all the southern states.

Mr. Patterson, of Jackson, then moved its adoption; which was lost.

Mr. Robinson offered the following amendment:

To strike out the first and second sections of the proposed amendments to the constitution of the United States, to-wit: the election of President and Vice President, and the formation of a geographical line; and insert, in lieu of said sections, that property in slaves of the African race be placed on the same footing with all other kinds of property, such as ships, manufactories, etc.

Mr. Robinson moved its adoption, and called for the yeas and nays, which being sustained, was ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Adams of Phillips, Batson, Bussey, Crenshaw, Cryer, Dollarhide, Floyd, Fuller, Grace, Hanly, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Smoote, Totten of Arkansas, Totten of Prairie, Wallace and Yell—25.

Nays—Messrs. Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hill, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins, Williams and Mr. President—40.

Messrs. Echols, Gould, Hawkins of Ashley, and Slemons, asked to be and were excused from voting.

So the motion to amend did not prevail.

Mr. Hanly offered the following amendment to the second specification in Mr. Thomason's resolutions:

Amend by adding—

"They have, by their prominent men and leaders, declared the doctrine of the irrepressible conflict, or the assertion of the principle that the institution of slavery is incompatible with freedom; that both cannot exist at once; that this continent must be wholly free, or wholly slave. They have in one or more instances refused to surrender negro thieves to the constitutional demand of the constituted authority of a sovereign state."

Which amendment was accepted by Mr. Thomason.

Mr. Adams, of Phillips, offered to amend the second proposed amendment to the constitution of the United States, by striking out the words "with or without slavery, as the constitution of such new state may provide;" and insert, "with slavery fully provided for in and by the constitution of such new state, and not otherwise."

Mr. Adams, of Phillips, moved its adoption; on which,

Mr. Thomason called for the yeas and nays, which call being sustained, was ordered and had with the following effect:

Yeas—Messrs. Adams of Phillips, Batson, Crenshaw, Cryer, Dollarhide, Floyd, Grace, Hanly, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton and Totten of Prairie—18.

Nays—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Fort, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hawkins of Ashley, Hill, Hobbs, Hobson, Jester, Kelly, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Slemons, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Wallace, Watkins, Williams, Yell and Mr. President—45.

So the amendment was not adopted.

Messrs. Echols, Smoote, and Totten, of Arkansas, asked to be and were excused from voting.

Mr. Mayo offered the following amendment as an additional resolution to those introduced by Mr. Thomason:

"A RESOLUTION OF REDRESS.

The President and Vice President shall be required to receive the majority of the electoral votes of both the slave and non-slaveholding states; failing in that, a majority of both the slaveholding and non-slaveholding states in Congress."

Mr. Mayo moved its adoption.

Mr. Thomason called for the yeas and nays; whereupon Mr. Mayo withdrew the proposed amendmont, and offered to amend by adding, after the 7th proposed amendment to the constitution of the United States:

Resolved, That whereas, the power of the government of the United States has passed into the hands of a strictly sectional majority, who have manifested an intention to render the commerce of the South subservient to the interests of the North; the opinion of this convention is, that it is positively necessary for the security of the South that the aforesaid government be forever prohibited, by a constitutional enactment, from levying an impost beyond a strictly revenue point.

After some discussion, Mr. Mayo, on leave, withdrew his amendment.

Mr. President stated the question to be on the adoption of the resolutions as amended.

Mr. Johnson called for the yeas and nays; which call being sustained, was ordered, and had with the following result:

YEAS—Messsrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hill, Hobbs, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Watkins, Williams, and Mr. President—37.

NAYS—Messrs. Adams of Phillips, Batson, Bussey, Crenshaw, Cryer, Dollarhide, Echols, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hawkins of Ashley, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Totten of Arkansas, Totten of Prairie, Wallace and Yell—29.

So the resolutions as amended were adopted.

On motion of Mr. Grace, the convention adjourned until 9 o'clock to-morrow morning.

DAVID WALKER,
President.

* * *

TUESDAY, *March* 21*st* 1861.

Convention met pursuant to adjournment.

There being no minister of the gospel in attendance, the opening prayer was dispensed with.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Totten of Arkansas, Totten of Prairie, Walker, Wallace, Watkins, Williams, and Mr. President—67.

Mr. Robinson asked and obtained leave of absence for Mr. Crenshaw.

Mr. Bussey asked and obtained leave of absence for Messrs. Tatum and Smoote.

Mr. Gould asked and obtained leave of absence for Mr. Grace.

The journal of yesterday was read, approved and signed.

Mr. Griffith moved that a committee of three be appointed by the president, as a committee on enrollments; which motion prevailed, and Messrs. Griffith, Gunter and Baber were appointed such committee.

Mr. Watkins, from a select committee, on leave, reported the votes of the absentees, at the taking of the vote on the adoption of the resolutions of Mr. Thomason, as amended.

Yeas—Messrs. Jackson, Spivey and Walker—3; making the total vote in the affirmative, 40.

Mr. Hanly, from the same committee, cast the vote of Messrs. Tatum and Laughinghouse in the negative.

Mr. Crenshaw asked and obtained leave to record his vote in the negative; making the total vote in the negative, 32.

Mr. Johnson moved that 2,500 copies of the ordinance and resolutions passed on yesterday, concerning an election on "co-operation and secession," be printed in addition to the 5,000 already ordered for the use of the convention.

Mr. Kennard moved to amend by saying 10,000 copies in all which amendment was accepted, and the motion prevailed.

Mr. Gould offered the following

RESOLUTION:

Resolved, That if the copies of the ordinance and resolutions adopted yesterday be not in readiness for distribution before the adjournment of this convention, the secretary is directed to send by mail, copies thereof to such post offices as the delegates may desire, not to exceed their proportionate number of copies.

On motion of Mr. Garland of Pulaski, the resolution was adopted.

Mr. Griffith offered the following

RESOLUTION:

Resolved, That the thanks of this convention be, and the same are hereby tendered to Hon. John J. Crittenden, S. A. Douglas, A. Rust, and others, for their patriotic efforts to bring about an honorable adjustment of our existing national difficulties.

Which, on motion, was adopted.

Mr. Dollarhide, on leave, introduced the following

ORDINANCE:

An ordinance entitled An ordinance to authorize the President of *this Convention, by proclamation or otherwise, to convene the same at any time between this and the 19th day of August, A. D. 1861, should an exigency arise between the passage of this ordinance and that time, in the opinion of said President.*

SEC. 1. *Be it ordained by the people of the State of Arkansas in convention assembled,* That the president of this convention be, and he is hereby authorized and empowered, by proclamation or otherwise, to convene this convention at any time between this and the 19th day of August, A. D. 1861, if in his opinion an exigency should arise within the time intervening between the adjournment and said 19th day of August, A. D. 1861.

SEC. 2. *Be it further ordained by the authority aforesaid,* That it shall be the duty of the members of this convention to reassemble in this hall at the time that may be appointed by the president under this ordinance, and in such event, the delegates shall be entitled to the same mileage and per diem as now provided by law.

Mr. Dollarhide moved its adoption; which motion prevailed; and the ordinance was adopted.

Mr. Mansfield, on leave, made the following

REPORT:

Mr. PRESIDENT—

The committee on state affairs, to whom was referred so much of the communication of his excellency, the governor of Arkansas, to this convention, as related to the United States arsenal, at Little Rock—and to whom was also referred a resolution upon the same subject, have considered the same, and instructed me to report and recommend the adoption of the following resolutions:

Resolved, That the State of Arkansas will not tolerate the quartering of any United States troops at the arsenal at Little Rock, until the present controversy between the northern and southern states is permanently and satisfactorily settled.

Resolved further, That his excellency, the governor of Arkansas be, and he is hereby requested to hold said arsenal upon the terms upon which the same was delivered to him by the United States officer, lately in command thereof, until the further direction of this convention; and that his excellency be further requested to place said arsenal under the control of some prudent individual, who shall be authorized to employ sufficient assistance to safely keep and preserve the arms, munitions and other property therein stored and thereunto belonging.

W. W. MANSFIELD,
Chairman.

Which was read, and on motion of Mr. Patterson of Jackson, the report was adopted; and on the further motion of Mr. Garland of Pulaski, the resolutions were adopted.

Mr. Gould offered the following

RESOLUTION:

Resolved, That this convention elect a president *pro tem.*, who shall perform all the duties of president, in case of the death or resignation of the president.

Mr. Patterson of Jackson moved to amend the resolution by empowering the chairman of committee on federal relations to act as president in case of the death or resignation of the president of this convention.

Which amendment was accepted, and on motion of Mr. Patterson, the resolution, as amended, was adopted.

Mr. Garland of Pulaski offered the following

RESOLUTION:

WHEREAS, An attempt on the part of the general government to execute the laws in any of the seceded states, would, in our opinion, lead to civil war; a result to be dreaded and deplored by all men.

Resolved, That this convention recommend to the general government the propriety of recognizing, at as early day as practicable, the independence of such states, now united under a common government, *de facto*, at Montgomery, Alabama, and treat with the government of such states, as a separate and independent government, relative to the disposition of the *forts, arsenals and dock yards*, in any of such states, in order that all matters connected therewith may be amicably and peaceably adjusted.

Which was read, and on motion of Mr. Garland of Pulaski, adopted.

Mr. Turner, on leave, called up the report of the committee on federal relations, which was read for information, and on motion of Mr. Watkins, was adopted.

Mr. Desha offered the following

RESOLUTION:

Resolved, That we earnestly and respectfully remonstrate against our sister border states taking any part in any action on the part of the federal government, tending towards a recapture or retaking of any of the forts, arsenals or dockyards, in any of the seceded states. But we earnestly hope that they will firmly maintain a pacificatory course, and use every patriotic and manly effort to bring about an honorable and amicable adjustment of our present difficulties, and to restore peace and harmony to the country.

Mr. Cypert moved to amend by saying "border states, slave or free," instead of "border states;" which amendment was accepted, and the resolution, as amended, was, on motion of Mr. Desha, adopted.

Mr. Patterson, of Jackson, offered the following

RESOLUTION:

Resolved, That the policy of Arkansas in the present crisis of the country, should be to maintain amity and good feeling with the cotton states, inasmuch, as in the event of no satisfactory adjustment being had between the sections, the destiny of Arkansas will be with them.

Mr. Smith moved to amend the resolution by inserting after the word "cotton," the words "and other slave."

Mr. Smith moved the adoption of the amendment.

Mr. Desha moved a call of the convention, which being had, it appeared that Messrs. Baber, Fishback, Floyd, Fort, Fuller and Hanly, were absent without permission, and the president instructed the sergeant-at-arms to procure the attendance of the absentees.

On motion of Mr. Desha, the call was suspended, and Mr. Carrigan, on leave, offered the following:

Whereas, During the sitting of this convention, the gas company, of Little Rock, having furnished gas for the use of the convention, amounting, in price, to $19 95.

Resolved, That the president of this convention certify for payment the account for the same, herewith tendered, as other expenses of this convention.

Which, on motion of Mr. Carrigan, was adopted.

Mr. Stallings made the following

REPORT:

Mr. PRESIDENT—

The committee on ways and means respectfully report the accompanying resolution, and recommend its adoption:

Resolved, That a sufficient amount of money be appropriated to pay the accompanying accounts, in all $41.

STALLINGS, *Chairman.*

Which report was received; and the resolution, on motion of Mr. Kelley, was adopted.

Mr. Griffith made the following

REPORT:

Mr. PRESIDENT—

Your committee on enrollments respectfully report that they have compared the ordinance entitled "an ordinance to provide for holding an election in the State of Arkansas, for the purpose of taking the sense of the people of the state on the question of "co-operation," or "secession," as enrolled, with the original, as it passed the convention, and that the same is correctly enrolled.

GRIFFITH, *Chairman.*

Which was read and received.

Upon motion of Mr. Thomason, the convention proceeded to an election for five delegates to the Border State Convention; and Mr. President announced that nominations would be in order, whereupon,

Mr. Kelly nominated Hon. Albert Rust.

Mr. Carrigan nominated Hon. S. H. Hempstead.

Mr. Turner nominated Hon. T. H. Bradley.

Mr. Hobson nominated Hon. E. A Warren.

Mr. Campbell nominated Hon. J. P. Spring.

There being no other nominations, the above named gentlemen were elected by acclamation.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That this convention tenders its thanks to the Revs. Messrs. Wheat, Welch, Stanley, Watson and Plattenburg, for their services in opening its sessions with prayer.

Which, on motion of Mr. Garland of Pulaski, was adopted.

Mr. Thomason offered the following

RESOLUTION:

Resolved, That the President of this convention be, and he is hereby authorized, and required, to fill by appointment any vacancy that may from any cause occur in the delegation of five elected to attend the border slave states convention, pursuant to resolutions heretofore adopted.

Which, upon motion of Mr. Thomason, was adopted.

Mr. Garland of Hempstead offered the following

RESOLUTION:

Resolved, As the sense of this convention, that the people of Arkansas prefer a perpetuity of this Federal Union to its dismemberment, or disruption—*provided it can be perpetuated upon a basis guaranteeing equal rights and privileges to all the states alike, south as well as north.*

Resolved further, That whenever time shall have proven the Constitution of the United States to be in any particular deficient; or whenever disputes shall arise upon questions touching which the constitution is not explicit; it is more in accordance with the spirit and genius of our government, as understood by its framers, to meet in conventions of the people for the purpose of taking into consideration the causes and nature of our complaints, and of amending the constitution to meet the exigency, than to overthrow or change our present form of government.

Mr. Cypert moved the adoption of the resolutions.

Mr. Mayo offered to amend the resolutions as follows:

But in making this declaration of a mere abstract opinion, truth and justice compels this convention to declare the power of the federal government now being entirely in the hands of a sectional black republican party, who are entirely unfriendly to the domestic institutions of the south, and there is almost a positive certainty that emissaries are now being sent to the Indians on our frontier, to spread the dreadful heresy of abolition among them; Mr. Dale, a notorious abolitionist, being appointed to the head of that department; and who has declared the power of this government shall be used to destroy African slavery whenever the power of the federal government could be brought to bear upon it, and who has announced a policy destructive of southern commerce—all attempts having failed of adjustment, longer delay to dissolve the ties that bind Arkansas to the Federal Union, is fraught with serious danger, both to domestic quietude and prosperity.

Mr. Cypert moved to lay the amendment on the table, on which motion, Mr. Mayo called for the yeas and nays, which call being sustained, was ordered, and had with the following result:

Yeas—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfied, Murphy, Parks, Patterson of Van Buren, Slemons, Smith, Stallings, Stirman, Stillwell, Stout, Thomason, Turner, Walker, Watkins, Williams, Yell and Mr. President—39.

Nays—Messrs. Adams of Phillips, Batson, Bussey, Clingman, Cryer, Dollarhide, Echols, Flanagin, Floyd, Gould, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Totten of Arkansas, Totten of Prairie and Wallace—24.

So the amendment was laid on the table.

The question was then stated by Mr. President, to be on the adoption of the resolution, on which, Mr. Carrigan called for the yeas and nays, which was sustained, ordered, and had with the following result:

Yeas—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Robinson, Smith, Stallings, Stirman, Stout, Stillwell, Thomason, Turner, Walker, Watkins, Williams and Mr. President—40.

Nays—Messrs. Adams of Phillips, Batson, Bussey, Clingman, Cryer, Dollarhide, Echols, Floyd, Gould, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Shelton, Slemons, Totten of Arkansas, Totten of Prairie, Wallace and Yell—24.

Mr. Hill asked to be, and was excused from voting.

Mr. Flanagin explained his vote as follows, and asked that it be spread on the journals, which was so ordered.

"I assent to the abstract declarations in the above resolutions, but hold that we cannot get sufficient guarantees to remedy the present evils, and if we could, they would not be observed."

Mr. Kennard offered the following

RESOLUTION:*

Resolved, That every delegate in this convention be authorized and requested to write out in full his views upon every conceivable question connected with the present condition of affairs, and have them spread upon the records of the convention, or published in the newspapers, *ad libitum*, at his own expense.

Mr. Yell moved its adoption.

Mr. Watkins moved to postpone the resolution indefinitely, which motion prevailed.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That 5,000 copies of the journals of this convention be printed at as early a day as possible, and that the public printer be required to send to each member of this convention, by mail, the equal share he is entitled to.

The sergeant-at-arms reported that the absentees were within the bar of the convention.

Mr. President stated the question to recur upon the amendmendment offered by Mr. Smith, to the resolution offered by Mr. Patterson of Jackson, which had been postponed under the rule for one hour.

Mr. Smith then called for the yeas and nays on the motion to amend, which was sustained, ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bradley, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Garland of Hempstead, Garland of Pulaski, Griffith, Gunter, Hobbs, Hobson, Jester, Kelley, Kennard, Mansfield, Murphy, Parks, Patterson of Van Buren, Robinson, Smith, Stallings, Stillwell, Stirman, Stout, Thomason, Turner, Walker, Watkins, Williams and Mr. President—39.

NAYS—Messrs. Adams of Phillips, Batson, Bussey, Clingman, Cryer, Dollarhide, Echols, Flanagin, Floyd, Gould, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Shelton, Slemons, Totten of Arkansas, Totten of Prairie, Wallace and Yell—27.

So the amendment to the resolution was adopted.

Mr. Totten of Prairie, moved to amend the resolution as follows:

Amend by inserting after the words "cotton and other slave states," the words "which may join them."

Which was adopted.

Mr. Patterson, on leave, then withdrew the resolution, and Mr. Smith withdrew the amendment.

Mr. Watkins offered the following as an amendment to the resolution offered by Mr. Floyd:

Resolved, 1. That the secretary of this convention be, and he is hereby required, immediately after the adjournment of this convention, to file, or cause to be filed in the office of the secretary of state, the journal of this convention, and that the secretary of state have, as hereafter provided for, five thousand copies of the same printed and distributed in the respective counties.

Resolved, 2. That the secretary of state be, and he is hereby instructed to enroll and file in his office, the ordinances and resolutions of this convention; also, furnish the public printer with a certified copy thereof, superintend the printing of the same at the earliest day possible; and that the secretary furnish the clerks of the counties in this state, with such number of copies, in proportion to the representation thereof, in this convention.

Resolved, 3. That for copying, reading proof, superintending, printing and distributing the journals as above specified, the secretary of state shall be allowed the same fees in proportion to the work done, as he is now allowed by law for similar services, in copying, reading proof and distributing the acts and journals of the legislature of this state.

Which amendment was accepted by Mr. Floyd.

Afterwards, on leave, Mr. Watkins withdrew the amendment, and Mr. Kennard offered the following as a substitute for the resolution:

Resolved, That the secretary of this convention be, and he is hereby instructed to file the journals of this convention, when the convention shall adjourn, in the office of the secretary of state.

Resolved, That the secretary of this convention superintend the printing and distribution of the journals of the convention, and that for his services in copying said journals, furnishing the same to the public printer, reading the proof-sheets, and distributing them when printed, he be allowed the sum of —— dollars.

Resolved, That two thousand copies of the journals be printed and distributed to the several counties, in the same manner and in the same proportion that the acts of the General Assembly are now required by law to be distributed.

Resolved, That the secretary of this convention furnish a copy of the journals, as soon as printed, to each of the delegates of the convention, to be sent to them by mail.

Which substitute, on motion, prevailed.

Mr. Gould moved that the blank in the 2d resolution be amended so as to allow the secretary the same pay proposed to be allowed to the secretary of state, in the resolution offered by Mr. Watkins; which motion prevailed.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined the enrollment of the resolutions adopted on the 20th inst., in relation to a convention of border slave states.

Also, the ordinance providing for the president to convene this convention between this time and the 19th of August next; and instruct me to report the same correctly enrolled.

GRIFFITH, *Chairman.*

Which was received.

Mr. Campbell offered the following

RESOLUTION:

Resolved, That the thanks of this convention be tendered to the Hon. David Walker, for his prompt and efficient services as presiding officer over our deliberations; and also to the secretary, assistant secretary, door keeper and other officers for the faithful performance of their respective duties.

Which, on motion of Mr. Gould, was adopted.

Mr. Cypert moved that 5,000 copies of Mr. Thomason's resolutions be printed for the use of the members of the convention; which motion prevailed, and the secretary was instructed to transmit the same by mail to the delegates in proportion to the representation.

On motion of Mr. Totten of Arkansas, the convention adjourned until the 19th day of August, A. D., 1861.

DAVID WALKER,
President.

JOURNAL

OF THE

CALLED SESSION

Of the Convention of Arkansas.

BEGUN AND HELD AT LITTLE ROCK, ON MONDAY, THE SIXTH DAY OF MAY, A. D. 1861.

MONDAY, May 6th, 1861.

Pursuant to a proclamation of the President of the convention, the convention assembled this day in the hall of the House of Representatives at 10 o'clock, which said proclamation is in words and figures as follows, to-wit:

PROCLAMATION *of the President of the Convention of the People of the State of Arkansas, reconvening the Convention.*

WHEREAS, By an ordinance of the state convention, passed on the 21st day of March, A. D. 1861, it was ordained that the President of the convention be authorized and empowered to convene the convention at an earlier day than the 19th of August, A. D. 1861, if in his opinion an exigency should arise requiring the same.

And whereas, From reliable information, I am satisfied that preparations are being made for a war between the citizens of the free and slave states, in which the safety, peace and prosperity of the people of Arkansas are involved, and for the preservation of which we must provide; for which purpose, in my opinion, the convention should be convened at the earliest practicable time.

Now, therefore, I DAVID WALKER, *President of the Convention,* under the authority, and in accordance with the provisions of said ordinance, do declare and make known that a convention will be holden on *Monday, the sixth day of May, A. D.* 1861, at the city of Little Rock, when and where the delegates to said convention are notified to attend as required by the second section of said ordinance.

In testimony whereof, I have hereunto set my hand as such President, this 20th day of April, A. D. 1861.

DAVID WALKER.

By E. C. BOUDINOT,
Secretary of Convention.

The convention was then called to order, and the session opened with prayer by Rev. Mr. Quaite.

The roll was then called, and the following delegates answered to their names.

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson; Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Yell and Mr. President—68.

A quorum being present, Mr. President, after a few remarks, announced that the convention was ready to proceed to the transaction of business.

Mr. Hanly moved that the member elect from Fulton county, (Mr. Cochran,) present himself and his credentials for a seat as delegate to this convention.

Mr. Batson moved to amend by instructing the secretary of state to report the result of the election for such delegate from Fulton county, which amendment was accepted, and the motion prevailed.

Mr. Adams of Phillips, offered the following

RESOLUTION:

Resolved, That the committee on ordinances and resolutions be, and they are hereby directed to report at or before 2 o'clock p. m. of this day, to this convention, an ordinance providing for the immediate and unconditional dissolution of the union now subsisting between the State of Arkansas and the government known as the United States of America.

Mr. Stillwell moved to amend by striking out "2 o'clock P. M. of this day," and insert in lieu thereof, "10 o'clock to-morrow morning."

Which proposed amendment, after some discussion, was withdrawn.

Mr. Tatum moved to amend by striking out "2 o'clock," and insert "3 o'clock" in lieu thereof.

Which amendment was accepted, and the resolution, as amended, was adopted.

Mr. Murphy offered the following

RESOLUTION:

Resolved, That in view of the dangers that surround the southern states, it becomes the State of Arkansas to put the whole population on a war footing as speedily as possible; the committee on military affairs are therefore instructed to prepare and report a plan for the efficient organization and arming of the state, and report the same as soon as practicable.

Which was adopted.

Mr. Totten introduced the following ordinance:

ORDINANCE No. 1.

An Ordinance *in regard to Foreign Indebtedness in the State of Arkansas; and with regard to other objects.*

Section 1. *Be it ordained by the people of Arkansas in convention assembled*, That all the debts, of whatever kind due or to become due hereafter, whether the same be evidenced by record, bond, note, bill of exchange or by other proof, and whether such indebtedness is dischargeable by money, property or in other choses of action where the duty of payment is due or to become due upon resident or citizen of the State of Arkansas, and is due or is to become due to a resident or citizen of the State of Maine, the State of Rhode Island, the State of Massachusetts, the State of Vermont, the State of New Hampshire, the State of Connecticut, the State of New York, the

State of Jersey, the State of Pennsylvania, the State of Ohio, the State of Indiana, the State of Illinois, the State of Michigan, the State of Iowa, the State of Wisconsin, the State of Minnesota, the State of California, the State of Oregon, or of the State of Kansas, or to a resident or citizen of the territory of Nebraska, the territory of Utah, Washington, Dacotah, Nevada or Colorado, be, and the same is hereby distrained and appropriated to, and for the use and benefit of the State of Arkansas, and payments thereof are hereafter to be made to the State of Arkansas in such manner as shall be provided by ordinance of this convention, or by enactment of the legislature of the state, and all other payments are hereby prohibited and declared null and void, and the party making the same shall be responsible to the state for the full value of such payment of money or of delivery of property or chose in action.

SEC. 2. *Be it further ordained*, That all money, property and choses in action that are now in possession, or that may hereafter come to the possession of any attorney, marshal, sheriff, agent or other person in this state for the use or benefit of any citizen or resident in any of the aforesaid states or territories, be, and the same is hereby distrained and appropriated to and for the use and benefit of the State of Arkansas, and that all payments or delivery thereof, otherwise than such as may be hereafter provided by ordinance of the convention or enactment of the legislature, shall be null and void, and the party making such payment, or delivering such property or chose in action, contrary to the true intent thereof, shall be liable to the state for the full value thereof.

SEC. 3. *Be it further ordained*, That all land or real estate of whatever kind, the title or ownership whereof is in a citizen or citizens, resident or residents of any of the aforesaid states or territories, be forfeited and revert to the State of Arkansas for the use and benefit of said state, and that the title to such lands shall be disposed of as the convention or legislature may hereafter direct.

SEC. 4. *Be it further ordained*, That all sales of property under legal process for collection of such debts as are described in the first section of this ordinance, the use and benefit whereof is going to citizens or residents of any of the states or territories aforementioned, be, and the same is hereby prohibited, until otherwise ordered by the convention or by enactment of the legislature.

Which was read, and upon motion of Mr. Hanly, 100 copies of said ordinance were ordered to be printed.

Mr. Yell moved to refer said ordinance to the committee on state affairs, which motion prevailed.

Upon motion of Mr. Patterson of Jackson, the names of the members of the standing committees were called, that the places of the absentees might be filled by the President; whereupon it appearing that Mr. Stirman from the committee on state affairs was absent, Mr. Spivey was appointed in his stead, and it also appearing that Mr. Gould from the committee on ordinances and resolutions was absent, Mr. Hawkins of Ashley, was appointed in his place.

Mr. Johnson offered the following

RESOLUTION:

Resolved, That this convention indorse truly and unconstitutionally the action of certain citizens of this state who participated in the capture and seizure of certain boats and vessels at Pine Bluff, Napoleon and Helena in this state, and hereby approve the action of those who have detained the same or the cargoes of said boats and vessels since their capture.

Which resolution, upon the motion of Mr. Mansfield, was referred to a select committee of five; and Mr. President appointed Messrs. Johnson, Totten of Prairie, Spivey, Fishback and Floyd such committee.

Mr. Totten, of Prairie, presented the following certificate from the secretary of state:

I, John I. Stirman, secretary of state, do hereby certify that, at a special election held in Fulton county, State of Arkansas, on the 15th day of April, A. D. 1861, for delegate to the state convention, to be held on the 6th May, 1861, that Samuel W. Cochran was duly elected as such delegate.

In testimony whereof, I hereunto subscribe my name, as secretary of the State of Arkansas, May 6th, 1861.

JOHN I. STIRMAN, *Secretary*
of the State of Arkansas.

Which was read, and, upon motion, Mr. Cochran was permitted to take his seat as a delegate to this convention from the county of Fulton.

Mr. President presented the following communication:

Little Rock, *May 6th*, 1861.

Hon. David Walker, *President*
of the Arkansas State Convention:

Sir—During my absence, I was chosen by the convention, of which you are president, as one of the five delegates from Arkansas to a border states convention, proposed by Virginia, to be held this spring at Frankfort, Kentucky.

I avail myself of the occasion, to express to the members of your body, through you, my grateful thanks for this unsolicited mark of confidence, and the honor thus conferred, for so it ought to be considered. And surely, if I could be of any use to Arkansas, in that position, I would most cheerfully and zealously devote whatever ability I possess to her service. For Arkansas is my own, and the home of my family; I neither look to, have, nor desire any other. A continuous residence here of twenty-five years duration, has indissolubly attached me to her soil, and, taught me to appreciate and admire the worth, patriotism, hospitality and chivalry of her people. Arkansas is endeared to me by affection towards the living, and regretful memories for the dead; some of whom, near and dear to me, sleep peacefully in her soil. All my interests, hopes and feelings are, from voluntary choice, inseparably identified with Arkansas, and wherever she may lead, I will follow cheerfully, contentedly and with no grudging or measured loyalty. I sincerely say of her: may she always be right, but right or wrong, I am for her, and with her.

Recent and startling events, occurring since my election, render it proper, in my opinion, that I should yield back to the convention the trust with which I was honored. I do not stop to speculate upon the probabilities of the border states convention being held; but, if I understand the original purpose of it, it would now fail to accomplish it; recent events having entirely changed the position of the border states, and of Arkansas also.

When I was chosen, I was a Union man, and opposed to a disruption of the Federal Union, as long as there remained a hope or prospect of preserving it, and of securing our just rights, and privileges, and of maintaining our honor under, and in it. And I fondly believed that prudence, patriotism, peace, justice and concession prevailing, that result might ultimately be accomplished.

But that hope has now vanished. The war cloud has risen, and is fast spreading over our country north and south, east and west. Preparations for civil war, are witnessed everywhere, and hostile squadrons are ready to meet each other in deadly conflict. President Lincoln, the nominal head, and urged on and sustained by at least the most violent of the black republican party, has, without authority and without necessity, committed himself to the criminal folly of prosecuting a coercive and warlike policy towards the seceded states, and the people thereof. In point of authority, it is a palpable violation of the constitution he professes to respect. In point of policy, it is unwise and short-sighted; because, if persevered in, must eventually result in forcing every border state out of the Union; and pitiless and cruel, because it must inevitably bring an unnatural civil war upon the country—the most dreadful and desolating of all wars, recorded in history. And it is contrary to the implied, if not express, pledges, repeatedly and solemnly given to the American people, to the effect that his administration would be peaceful and conciliatory towards the seceded states. It is a fatal error, on his part, if he supposes that he can coerce or subdue the southern states; or find men in them to aid him, or sympathise with him, in such a criminal and unholy work. The very hills and valleys will swarm with multiplied thousands of brave hearts and valiant arms, eager to resist him, and his marshalled hosts, in the defence of their own and their sister states.

It was only under a peaceful, prudent and conciliatory course towards the seceded states—the policy of leaving them undisturbed and unmolested—avoiding the use of force—that Arkansas was willing to remain in the Union; and this, with the hope that, in due time, there might be a reconstruction of the Union on fair, just and honorable terms; or that the present difficulties and troubles—perhaps not just now, but at no distant period—might be satisfactorily and honorably adjusted. And such, in my opinion, would have been the result of a peaceful policy, and of just and statesmanlike measures on the part of the administration. But unfortunately the war policy — the coercive policy has prevailed; and on the heads of the black republicans be the bloody consequences. Being in the possession of the government, and all its departments, the supreme court excepted—they held the power to save the Union, but would not do it. They had the power to prevent the effusion of blood, but would not do it; and now the responsibility rests with them.

By such means the Union sentiment in Arkansas has been completely changed. The honest differences of opinion that have existed among us, in reference to immediate secession—arising from expediency rather than principle, have passed away. The South has become a unit; all of us standing pledged to resist force; well knowing that no free government can live if force is required to keep it together.

I am a southerner by choice and by adoption I have lived in a slave state nearly all my life. All my interests and feelings and hopes are bound up with the South. For weal or for woe, I am with her, and for her. Not having been heretofore, I never expect to be, unmindful of her rights, true interests, or honor.

The black republican policy of war being now clearly indicated, Arkansas cannot see it with unconcern, nor submit to it without resistance. Every one must now take sides for or against coercion. There can be but one voice in our state on that proposition. We shall all stand by the South; nor do I believe there are any who would think of acting otherwise. We are now a unit, and ready now, and at all times, to defend the people of the South, their homes, firesides, property and rights to the last extremity, if need be, and against all foes.

Respectfully, your ob't serv't,

S. H. HEMPSTEAD.

Which was read and received.

Mr. Flanagin offered the following

RESOLUTION:

Resolved, That a committee of three be appointed to wait upon the governor and inform him the convention is in session, and invite him to make any communication he may deem proper.

Which was adopted; and Mr. President appointed Messrs. Flanagin, Spivey and Tatum such committee.

On motion of Mr. Totten, of Prairie, the convention took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—70.

Mr. Grace, from the committee on ordinances and resolutions, made the following

REPORT:

Mr. PRESIDENT—

Your committee, in obedience to the instructions of this convention, have directed me to report the accompanying preamble and ordinance, and recommend their adoption.

Respectfully,
W. P. GRACE, *Chairman.*

ORDINANCE No. 2.

AN ORDINANCE *to dissolve the Union now existing between the State of Arkansas and the other states united with her under the compact entitled "The Constitution of the United States of America."*

WHEREAS, In addition to the well founded causes of complaint set forth by this convention, in resolutions adopted on the 11th March, A. D. 1861, against the sectional party now in power at Washington city, headed by Abraham Lincoln, he has, in the face of resolutions passed by this convention, pledging the State of Arkansas, to resist to the last extremity, any attempt on the part of such power to coerce any state that had seceded from the old Union, proclaimed to the world that war should be waged against such states, until they should be compelled to submit to their rule, and large forces to accomplish this have, by this same power, been called out, and are now being marshalled to carry out this inhuman design; and to longer submit to such rule, or remain in the old Union of the United States, would be disgraceful and ruinous to the State of Arkansas.

Therefore, we the people of the State of Arkansas, in convention assembled, do hereby declare and ordain, and it is hereby declared and ordained, that the "ordinance and acceptance of compact," passed and approved by the General Assembly of the State of Arkansas, on the 18th day of October, A. D. 1846, whereby it was, by said General Assembly, ordained that, by virtue of the authority vested in said General Assembly, by the provisions of an ordinance adopted by the convention of delegates assembled at Little Rock, for the purpose of forming a constitution and system of government for said state, the propositions set forth in "an act supplementary to an act entitled an act for the admission of the State of Arkansas into the Union, and to provide for the due execution of the laws of the United States within the same, and for other purposes, were freely accepted, ratified and irrevocably confirmed articles of compact and union between the State of Arkansas and the United States," and all other laws, and every other law and ordinance, whereby the State of Arkansas became a member of the federal union, be, and the same are hereby, in all respects, and for every purpose herewith consistent, repealed. abrogated and fully, set aside; and the union now subsisting between the State of Arkansas and the other states, under the name of the United States of America, is hereby forever dissolved.

And we do further hereby declare and ordain, that the State of Arkansas hereby resumes to herself all rights and powers heretofore delegated to the government of the United States of America—that her citizens are absolved from all allegiance to said government of the United States, and that she is in full possession and exercise of all the rights and sovereignty which appertain to a free and independent state.

We do further ordain and declare, that all rights acquired and vested under the constitution of the United States of America, or of any act or acts of Congress, or treaty, or under any law of this state, and not incompatible with this ordinance, shall remain in full force and effect, in no wise altered or impaired, and have the same effect as if this ordinance had not been passed.

Which report was received; and Mr. Yell moved that the ordinance be adopted.

Mr. Dinsmore offered the following amendment:

" And that the above ordinance be submitted to the citizens of the State of Arkansas for their acceptance or rejection, by a writ of election, issued by the president of this convention, to be held on the 1st Monday of June next."

Mr. Patterson of Jackson moved to lay the amendment of Mr. Dinsmore on the table.

On which Mr. Totten, of Arkansas, called for the yeas and nays, which call being sustained, was ordered and had with the following resnlt:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bradley, Bush, Bussey, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dollarhide, Echols, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stillwell, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Walker, Wallace, Watkins, and Yell—55.

Nays—Messrs. Bolinger, Campbell, Desha, Dinsmore, Dodson, Fishback, Griffith, Gunter, Kelley, Murphy, Parks, Stallings, Thomason, Turner and Mr. President—15.

So the amendment was lost.

The question was then stated to be on the adoption of the ordinance, upon which Mr. Cryer called for the yeas and nays, which being sustained, was ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bradley, Bush, Bussey, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Yell and Mr. President—65.

Nays—Messrs. Bolinger, Campbell, Gunter, Kelley and Murphy—5.

At the call of Mr. President, Mr. President addressed the convention, urging unanimity; whereupon Mr. Bolinger, who had voted in the negative, arose and stated in substance, that,

"I voted against the ordinance declaring the independence of the state, in accordance with my pledges to my people, but to secure unanimity, I ask to change my vote to the affirmative, at the same time denying the right of secession."

Mr. Bolinger also asked that the explanation be spread upon the journals; which was so ordered, and his vote changed from "nay" to "aye."

Mr. Campbell, with a similar explanation, also changed his vote from "nay" to "aye."

Mr. Kelley, with an explanation, in substance that, " he was in favor of revolution, but ignored the right of secession," also changed his vote from " nay" to " aye."

Mr. Gunter, with a similar explanation, also changed his vote from " nay" to " aye."

Mr. Fishback explained his vote.

So the ordinance dissolving the union heretofore existing between the State of Arkansas and the other states united under the compact known as the " Constitution of the United States of America," was, at 10 minutes past 4 o'clock, declared adopted and passed by a vote of 69 in the affirmative, to 1 in the negative.

Upon motion of Mr. Grace, the convention adjourned until to-morrow morning 10 of the clock.

DAVID WALKER,
President.

TUESDAY, *May 7th*, 1861.

Convention met pursuant to adjournment.

Prayer by the Rev. Mr. Wheat.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobson, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Yell and Mr. President—67.

Journal of yesterday read, approved and signed.

On motion of Mr. Totten, leave was granted to Mr. Patterson of Van Buren, to record his vote on the ordinance adopted yesterday, which he accordingly did in the affirmative.

Mr. Laughinghouse offered the following

RESOLUTION:

Resolved, That the business of this convention be transacted with closed doors, and that no person not a member of the convention be allowed to enter this hall, only by consent of the convention.

Mr. Floyd moved to amend by saying " with closed doors after 2 o'clock to-day."

Which amendment was accepted.

Mr. Yell moved the postponement of the resolution offered by Mr. Laughinghouse, until to-morrow morning; which motion prevailed.

Mr. Gould offered the following

RESOLUTION:

Resolved, That the committee heretofore appointed to draft rules for the government of this convention, be requested to report whether, in their judgment, any change in the organization of committees as to style and number, is necessary.

Mr. Thomason moved to amend by referring the subject to a select committee of five; which was accepted, and the resolution as amended was lost.

Mr. Floyd offered the following resolution and moved its adoption:

Resolved, That the president appoint a standing committee on the landed interest of the State of Arkansas, to consist of seven members, one to be selected from each of the seven land districts of the state.

Which was adopted.

Mr. Hanley offered the following

RESOLUTION:

Resolved, That the president of this convention appoint a select committee of five, whose duty it shall be to consider and report to this body, as soon as may be, whether the change in the the relations of this state to the United States, will not require amendments to the constitution of this state; and if so, to report the amendments they would suggest, resulting from that cause.

Mr. Smith moved to amend by appointing a committee of nine, to be styled the "judiciary committee," and to refer the resolution to said committee; which amendment was accepted, and the resolution, as amended, was adopted.

Mr. Hill, on leave, introduced the following ordinance:

ORDINANCE No. 3.

AN ORDINANCE *providing for the advancement of one months' pay to the regiment of volunteers rendezvoused at the arsenal in this city, destined for the service of the Confederate States of America, and for other purposes.*

1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the sum of ——— dollars be, and the same is hereby appropriated out of the swamp land fund now in the treasury of this state, for the purpose of advancing to the regiment of volunteers now rendezvoused at the arsenal in this city, destined for service in the army of the Confederate States of America, the full amount of one months' pay.

2. *Be it further ordained*, That the sum aforesaid shall be paid by the treasurer of this state upon the warrant of the auditor drawn in favor of the colonel of said regiment, who shall forthwith pay out the same to the rank and file according to the pay roll made out in accordance with the act of Congress in such case made and provided and the regulations of the army of said Confederate States.

3. *Be it further ordained*, That the sum aforesaid shall be taken as a loan or advance made by this state to and on account of the said Confederate States of America, and that the colonel of said regiment be, and he is hereby appointed the agent of this state to demand the repayment thereof, and when paid, to transmit the same to the treasurer of this state.

4. *Be it further ordained*, That should there be any balance of the swamp land fund remaining in the treasury of this state after the payment of the same hereby appropriated, and all additional sums which may hereafter be received into the treasury from the sale of swamp lands, be, and the same are hereby appropriated to military objects and purposes in such manner as this convention may hereafter designate.

Which was read.

Mr. Laughinghouse moved to amend as follows:

Amend by saying that all the troops now in readiness for immediate service be alike entitled to said one months' pay.

Mr. Flanagin offered to amend by striking out the words "swamp land fund," in the first section, and inserting the words "state treasury."

Pending the consideration of which, Mr. Echols moved a reconsideration of the vote postponing the consideration of the resolution of Mr. Laughinghouse, relative to a session with closed doors, which motion prevailed, and the resolution was adopted.

Whereupon, Mr. President ordered the galleries to be cleared, which was accordingly done, and the doors closed.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrolled bills and ordinances have carefully compared the enrollment with the original copy of the "ordinance to dissolve the union now existing between the State of Arkansas and the other states, under the compact entitled 'The constitution of the United States of America,'" and have instructed me to report the same correctly enrolled on parchment, and now ready for the signatures of the delegates.

Respectfully submitted,
SAML. L. GRIFFITH, *Chairman.*

Which was read and received.

Mr. Adams of Phillips, introduced the following ordinance:

ORDINANCE No. 4.

Entitled an ordinance providing for the signing of the ordinance passed on yesterday dissolving the political connection theretofore existing between the State of Arkansas, and the government known as the United States of America.

We, the people of the State of Arkansas now in convention assembled, do hereby ordain, and it is hereby ordained, that the ordinance adopted by this convention on yesterday dissolving the political connection theretofore existing between the State of Arkansas and the government known as the United States of America, be signed by the President and attested by the secretary of this convention, and be also signed by the individual members of this convention; and that in signing the same, there shall be a call of the counties of the state in alphabetical order, and the delegates of each county shall sign the same as their respective counties shall be called by the secretary.

Which was read and adopted.

Mr. Garland of Pulaski, introduced the following ordinance:

ORDINANCE No. 5.

Be it ordained by the people of Arkansas in convention assembled, That the ordinance passed by this convention on the 21st day of March, A. D. 1861, entitled "an ordinance to provide for holding an election in the State of Arkansas for the purpose of taking the sense of the people of the state on the question of '*co-operation*' or '*secession*,'" be, and the same is hereby in all things repealed.

Which was read and adopted.

Mr. Stillwell offered the following

RESOLUTION:

Resolved, That his excellency, the governor, be, and he is hereby requested to lay before the convention a statement showing the number and description of arms and what munitions of war belonged to the State of Arkansas on the first day of December, A. D. 1860, or have been purchased since that time; what arms and munitions of war were in the United States arsenal at Little Rock, when he obtained possession of the same, and what disposition has been made of the same; also, of all sums of money expended since that date touching the transportation and subsistence of troops; and that the secretary deliver a copy of this resolution to his excellency forthwith.

Which was adopted.

Mr. Patterson of Jackson, introduced

ORDINANCE No. 6.

Entitled an ordinance adopting the constitution for the provisional government of the Confederate States of America

Which was read, and pending the consideration of which, Mr. Fishback moved that the business under consideration at the closing of the doors be resumed.

Which prevailed, and

Mr. President stated the question to be on the amendment offered by Mr. Laughinghouse to ordinance No. 3.

Mr. Grace then offered as an amendment to the amendment,

Provided, That the colonel who may receive said money from the treasurer's office, shall give bond payable to the State of Arkansas, conditioned for the faithful application of said money, and that he will faithfully pay over the amount of money he may receive from the Confederate States.

Mr. Hill moved that the ordinance, together with the amendments proposed, be referred to a select committee of five, which motion prevailed, and Mr. President appointed Messrs. Hill, Turner, Flanagin, Watkins and Dinsmore, such committee.

Mr. President announced that resolutions were in order; whereupon

Mr. Fishback offered the following

RESOLUTION:

Resolved, That the committee on the militia be instructed to report to this body, at as early a period as practicable, a statement of the costs of maintaining one regiment in active service, according to existing laws of the United States.

Mr. Hanly moved to amend by inserting after the word "regiment," the words:

"Of infantry, one regiment of cavalry, and a battalion of artillery."

Mr. Patterson, of Jackson, offered to amend by striking out the last clause "according to the existing laws of the United States," and inserting, "according to the war footing of the Confederate States of America, and also of the United States."

Which amendments were severally accepted, and the resolution, as amended, was adopted.

Mr. Johnson offered the following

RESOLUTION:

Resolved, That the President of this convention be requested to officially announce to President Davis, by telegraph the fact that the State of Arkansas has severed her connection with the government of the United States, and desires to connect her fortunes with those of the Confederate States, and enquire what is the ratio of representation in the provisional congress.

Mr. Batson moved to amend by adding:

"Or what number of delegates we will be entitled to in the provisional congress."

Which was accepted.

Mr. Fishback offered the following as a substitute for the resolution as amended:

Resolved, That the President of this convention be requested to telegraph to the President of the Confederate States, officially informing him that the State of Arkansas has dissolved her connection with the federal government of the United States of America, and inquire what is the ratio of representation in the government of the Confederate States.

Mr. Kennard moved to lay the substitute on the table.

Which prevailed, and

On the further motion of Mr. Kennard, the resolution as amended, was adopted.

Mr. Kennard offered the following

RESOLUTION:

Resolved, That all moneys in the hands of any officer of the United States of America, within the State of Arkansas, or in the hands of any other person or persons, and heretofore collected and held for the use of the government of the United States of America, except such as may be in the hands of post masters and necessary for payment of dues to mail contractors for carrying the United States mails, within the state, under contracts heretofore existing, and all real and personal property of every character including all the public lands heretofore owned and held by the United States government, or any agent thereof, within the limits of the State of Arkansas, be and the same are hereby declared to be the property of the State of Arkansas, subject to be taken in charge, held, owned, controlled and disbursed as other property and moneys of the State.

Mr. Hanly offered to amend as follows:

Provided, That all drafts that may have been drawn by the United States in favor of any citizen of this state or all drafts drawn by the United States in favor of citizens of other states, and *bona fide* transferred to a citizen or citizens of this state, prior to the 6th day of May, A. D. 1861, shall be first paid out of the funds hereby appropriated, in case they shall be presented to the proper officer within 60 days from the said 6th day of May, A. D. 1861, and provided further that all pensions due citizens of this state up to the 4th March last, shall be paid by the proper officer out of said fund upon proper voucher to him for the same.

Pending the consideration of the amendment,

Mr. Fishback moved to take a recess until 3 o'clock, which motion did not prevail.

On leave, Mr. Murphy offered the following

RESOLUTION:

Resolved, That the delegates and all officers of this convention are enjoined not to communicate anything or act or debate that may occur in secret session until the obligation of secrecy be removed by act of the convention.

Which was adopted.

On leave, Mr. Bussey introduced

ORDINANCE No. 7.

AN ORDINANCE *For the relief of William T. Sargent, and to dispose of the public moneys of the Champagnolle Land District.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That William T. Sargent, receiver of public moneys in the Champagnolle land district, in the State of Arkansas, be, and he is hereby required to pay into the treasury of the State of Arkansas, all moneys he now has in his possession, or may hereafter have as said receiver, and take the receipt of the treasurer therefor, which receipt shall be a voucher and full acquittal to him and his securities of all liability to any person or government whatsoever, for such amount paid. And that the state treasurer hold such moneys subject, and for any state purpose, to which the same may be applied, to be accounted for to the United States government upon a fair and final settlement when peace is made, and that this convention approve the previous conduct of said William T. Sargent, and the people of the county of Union, in the premises.

Which was read.

Mr. Stanly offered to amend by adding:

And be it further ordained, That the treasurer be and he is hereby authorized to pay the said William T. Sargent a sufficient amount to indemnify him for bringing said funds to this city.

Which amendment was accepted, and the ordinance as amended was adopted.

Mr. Smoote, on leave, introduced an ordinance, and asked that it be referred to committee on ordinances without being read, which was accordingly done.

Mr. Yell also offered an ordinance, with the like request, which was granted.

On motion of Mr. Floyd, the Convention took a recess until 3 o'clock, p. m.

3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Yell and Mr. President—69.

The roll of the counties was then called alphabetically, and the ordinance of secession was signed by the following delegates, at the call of their respective counties, and then attested by the secretary of the convention.

DAVID WALKER, President of the convention and delegate from the county of Washington.

JAMES L. TOTTEN, Arkansas county.
MARCUS L. HAWKINS, Ashley county.
A. W. DINSMORE, Benton county.
———————— Benton county.
J. GOULD, Bradley county.
PHIL. H. ECHOLS, Calhoun county.
W. W. WATKINS, Carroll county.
BURR H. HOBBS, Carroll county.
I. H. HILLIARD, Chicot county.
H. FLANAGIN, Clark county.
J. C. WALLACE, Columbia county.
GEORGE P. SMOOTE, Columbia county.
S. J. STALLINGS, Conway county.
————————, Craighead county.
JESSE TURNER, Crawford county.
H. F. THOMASON, Crawford county.
THOS. H. BRADLEY, Crittenden county.
ROBERT T. FULLER, Dallas county.
J. P. JOHNSON, Desha county.
J. A. RHODES, Drew county.
W. F. SLEMONS, Drew county.
W. W. MANSFIELD, Franklin county.
S. W. COCHRAN, Fulton county.
JAMES W. BUSH, Greene county.
R. K. GARLAND, Hempstead county.
A. H. CARRIGAN, Hempstead county.
— ————————, Hot Spring county.
F. W. DESHA, Independence county.
URBAN E. FORT, Independence county.
M. SHELBY KENNARD, Independence county.
ALEX. ADAMS, Izard county.
J. H. PATTERSON, Jackson county.
JAS. YELL, Jefferson county.
W. P. GRACE, Jefferson county.
Wm. W. FLOYD, Johnson county.

FELIX I. BATSON, Johnson county.
WILEY P. CRYER, Lafayette county.
SAMUEL ROBINSON, Lawrence county.
MILTON D. BABER, Lawrence county.
H. H. BOLINGER, Madison county.
——————————, Madison county.
THOS. F. AUSTIN, Marion county.
FELIX R. LANIER, Mississippi county.
Wm. M. MAYO, Monroe county.
ALEXANDER M. CLINGMAN, Montgomery county.
ISAIAH DODSON, Newton county.
A. W. HOBSON, Ouachita county.
L. D. HILL, Perry county.
THOMAS B. HANLY, Phillips county.
CHAS. W. ADAMS, Phillips county.
SAMUEL KELLEY, Pike county.
——————————————, Poinsett county.
ARCHIBALD RAY, Polk county.
WILLIAM STOUT, Pope county.
BENJAMIN C. TOTTEN, Prairie county.
J. STILLWELL, Pulaski county.
A. H. GARLAND, Pulaski county.
JAMES W. CRENSHAW, Randolph county.
J. M. SMITH, Saline county.
E. T. WALKER, Scott county.
SAML. L. GRIFFITH, Sebastian county.
W. M. FISHBACK, Sebastian county.
BENJ. F. HAWKINS, Sevier county.
JAS. S. DOLLARHIDE, Sevier county.
J. N. SHELTON, St. Francis county.
G. W. LAUGHINGHOUSE, St. Francis county.
H. BUSSEY, Union county.
Wm. V. TATUM, Union county.
J. HENRY PATTERSON, Van Buren county.
JOHN P. A. PARKS, Washington county.
T. M. GUNTER, Washington county.
——————————, Washington county.

JESSE N. CYPERT, White county.
W. H. SPIVEY, Yell county.

Adopted and passed in open convention, on the sixth day of May, Anno Domini, 1861.

Attest:

ELIAS C. BOUDINOT, *Secretary*
of the Arkansas State Convention.

Mr. President then ordered the galleries to be cleared, and the doors of the convention to be closed, which being done, the president laid before the convention the following communication:

OFFICE OF THE ARK. STATE TELEGRAPH CO.,
Little Rock, May 6th, 1861.

To the President and Members
of the Arkansas State Convention:

GENTLEMEN—As a means of defence, and to better guard the interests of the state by placing the capital, and the northern and western frontiers, in direct and almost instantaneous communication with each other, we propose to extend the Arkansas state telegraph line (now in successful operation from Little Rock to Helena and Memphis), to Van Buren and Fort Smith, via Clarksville, the proposed route—say about 180 miles. A good line of teldgraph, constructed under ordinary circumstances, costs about one hundred dollars per mile; but owing to the great difficulty at present in obtaining wire and other requisite materials from the north (where alone they can be procured), this line may cost more—say one hundred and ten dollars per mile, or a total of twenty thousand dollars. We propose to raise half this amount, say ten thousand dollars, ourselves, provided the convention will at once appropriate to our use for the purpose herein set forth, the other half, viz: ten thousand dollars. We say at once, because, if the line is to be built at all, there is not an hour to be lost in getting the wire, etc., into southern territory, if it can be got at all. We propose to make the line from Memphis to Helena, Little Rock and Fort Smith, a common interest; the State of Arkansas to hold stock in the same to the amount of her appropriation. We further propose to give the telegraphic business of the state priority and preference in transmission and delivery, over all other dispatches; and, in case the said line should be constructed, we pledge ourselves to operate and work it so as to guard the interests of the State of Arkansas and of the South, employing for that purpose only those operators who are known to be southern in both interest and feeling, and are ready to serve their country against the common enemy.

The vital importance of such a line of telegraph at this time, when our state may be at any moment invaded from the north or west; must certainly be felt and appreciated by every citizen of Arkansas and of the south; the value of quick and reliable communication between the different portions of the state, in one single instance of invasion, would unquestionably be a thousand fold greater to Arkansas than the total cost of building the line.

Believing the convention will not hesitate to give the assistance asked for, we have secured the exclusive right to the use of the Morse instrument on said line (the only reliable instrument, and the universal one of the country).

Your immediate action in the premises is respectfully solicited.

Your ob't serv'ts,
C. P. BERTRAND,
President, etc.
H. A. MONTGOMERY
Contractor.

Which communication was read, and, upon motion, referred to the committee on state affairs.

Mr. President, at the same time, presented the following telegraphic dispatch:

MAY 7, 1861.

[By telegraph from Camp Rector, via Memphis]

To the members of the Arkansas State Convention:

Our actions prove our patriotism; those of you who know us, can vouch for our standing and sense; and we ask to be permitted either by our commissioned officers, or rank and file, to elect all our field officers.

Capt. CLEBURN, *Yell Rifles.*
Capt. CARLTON, *Jefferson Guards.*
Capt. HARRIS, *Harris Guards.*
Capt. GLENN, *Rector Guards.*
Capt. BLACKBURN, *Hindman Guards.*
Capt. OTEY, *Phillips Guards.*
Capt. CLARKSON, *Helena Artillery.*

On motion of Mr. Tatum, the dispatch was referred to the committee on militia.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollments have compared, with the originals, enrollments of

An ordinance for the relief of William T. Sargent, and to dispose of the public moneys of the Champagnolle land district.

An ordinance providing for the signing of the ordinance, passed on yesterday, dissolving the political connection theretofore existing between the State of Arkansas and the government known as the United States of America; and

An ordinance to repeal an ordinance, passed by this convention on the 21st day of March, A. D. 1861, entitled an ordinance to provide for holding an election in the State of Arkansas for the purpose of taking the sense of the people of the state on the question of co-operation or secession; and have instructed me to report the same correctly enrolled.

SAMUEL L. GRIFFITH,
Chairman.

Which was received.

The consideration of the resolution offered by Mr. Kennard was then resumed.

Mr. Patterson, of Jackson, was called to the chair.

Mr. Stillwell offered the following as a substitute for the

RESOLUTION:

Resolved, That all officers of the United States, within the limits of this state, having moneys of the United States in their hands, are hereby prohibited from paying out the same, and required to hold the same subject to the further order of this convention; and that all such officers, having personal property of the United States in their possession, be required to hold the same subject to the same order.

Mr. Hanly then withdrew his proposed amendment.

Mr. Garland, of Hempstead, moved to amend by adding:

"And that said officers be informed, by the president of this convention, of this action of the convention."

Which was accepted, and the substitute, as amended, was adopted.

Mr. Grace offered the following

RESOLUTION:

Resolved, That the secretary of this convention cause seventy-five copies of the preamble and ordinance passed by this convention on yesterday, by which the political connections thereto fore existing between the State of Arkansas and the government known as the United States of America, to be printed on parchment, so soon as all the delegates that are to sign it, shall do so, and one copy thereof to be presented to each member of this convention, such member paying the expenses of such copy.

Which was adopted.

On motion of Mr. Johnson, the convention adjourned until to-morrow morning, 9 of the clock.

DAVID WALKER,
President.

WEDNESDAY, *May 8th*, 1861.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. Quaite.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins and Mr. President—69.

The journal of yesterday read, approved and signed.

Mr. President presented a petition from sundry cititizens of Sebastian county, asking the appointment of Col. N. B. Pearce to the office of commander-in-chief of the forces of the western frontier.

Which, upon motion of Mr. Flanagin, was referred to the committee on military affairs.

Mr. Echols offered the following

RESOLUTION:

Resolved, That his excellency, the governor, be, and he is' hereby authorized and instructed to accept of such organized military volunteer companies whose services have been tendered him for the defence of the State of Arkansas.

Which, after considerable discussion, was withdrawn.

Mr. President announced that motions and resolutions were in order.

On leave, Mr. Hill, from a select committee, made a verbal report, stating that said committee had instructed him to report the following ordinance, and recommend its adoption:

ORDINANCE No. 8.

AN ORDINANCE *to appropriate money to advance to volunteers for the use of the Confederate Troops.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That ten thousand dollars be appropriated, out of any money in the treasury unappropriated, to be paid to the colonel of the regiment of volunteers now being organized in the State of Arkansas for the Confederate States, and to be by him advanced to said volunteers in sums of twelve dollars to each private and non-commissioned officer.

Be it further ordained, That said sum shall be advanced as a loan, and be repaid by said volunteers out of the first payment made to said volunteers by the Confederate States, and the colonel of said regiment is hereby made an agent to collect and transmit the same to the treasurer of this state.

Be it further ordained, That upon the receipt of said sum of money by the colonel of said regiment, he shall execute a receipt, acknowledging the same, and engaging to use all reasonable exertions to collect from said volunteers the said sum of money and pay it into the state treasury.

Be it further ordained, That the said colonel shall take receipts from said troops for said sums advanced, promising to refund the same out of the first payments as aforesaid.

Which was read and adopted.

Mr. Echols offered the following

RESOLUTION:

Resolved, That his excellency, the governor, be, and he is hereby authorized and instructed to accept of such organized military companies whose services have been tendered him for the defence of the State of Arkansas; *Provided*, That such volunteer companies shall not receive pay until mustered into service.

Mr. Bussey offered the following as a substitute for the resolution:

Resolved, That the governor or military board, which may hereafter be organized, be, and they are hereby authorized and empowered to accept all military companies, to the extent of ten regiments, that may be tendered to him or them, but with the express condition, that all companies accepted under this resolution are to be kept and retained in their respective counties, at their own proper cost, until such companies are called into actual service, and then the said companies are to be accepted into said service in the order in which they have respectively applied.

On motion of Mr. Smoote, both the resolution and the substitute were referred to the committee on militia.

Mr. Gould offered the following

RESOLUTION:

Resolved, That the committee on military affairs be instructed to prepare an ordinance providing pecuniary assistance from the state treasury, of families of persons residing the state, who may be engaged in the military service of the state, or of the Confederate States.

Which was read; and, on leave, Mr. Gould introduced an ordinance for the purposes specified in the resolution, entitled

ORDINANCE No. 9,

For the relief of those engaged in the military service.

Which was also read.

The resolution was then adopted; and on motion of Mr. Gould, the ordinance was referred to the committee on the judiciary.

Mr. Patterson, of Jackson, gave notice that, within the time prescribed by the rules of the convention, he would move the organization of a committee on the judiciary, and a committee on finances, to be and remain standing committees of this convention during its existence.

On motion of Mr. Fuller, Mr. Gould was added to the committee on militia.

On motion of Mr. Totten, of Arkansas, Mr. Desha was added to the same committee.

Mr. Ray offered the following

RESOLUTION:

Resolved, That the two military companies organized in the county of Polk be furnished, by the proper authorities, with powder and lead sufficient to enable them to protect the good people of said county in the present crisis, and to make them available in case they should be called into the service of the state or the Confederate States.

Which, on motion of Mr. Hanly, was referred to the committee on militia.

Mr. Johnson offered the following

RESOLUTION:

Resolved, That a committee of three be appointed by the president of this convention, whose duty it shall be to examine the condition of the muskets and other arms in the arsenal, and report immediately such improvements or alterations as they deem necessary, with the probable cost of making the same.

Which was adopted; and Mr. President appointed Messrs. Johnson, Desha and Gunter, such committee.

Mr. Lanier offered the following

RESOLUTION:

Resolved, That the adoption of the provisional constitution of the Confederate States of America be made the special order of the day for Thursday, 9th inst., at 10 o'clock, and further, that this convention proceed at once, after the passage of said ordinance, to elect commissioners to said Confederate States of America.

Mr. Garland, of Pulaski, moved to amend by adding:

Provided, That by that time the president of this convention shall have received answers to the dispatches, directed by previous resolution of this convention, to be sent to the president of the Southern Confederacy, relative to the State of Arkansas joining such confederacy; *And provided*, The committee on ordinances and resolutions shall report at, or before that time, on the ordinance referred to them in relation to uniting the State of Arkansas in such confederacy.

Which amendment was accepted; and the resolution, as amended, was adopted.

On motion of Mr. Smoote, the committee on ordinances were instructed to prepare and report to this convention an ordinance for such purpose.

Mr. Floyd gave the following notice:

Mr. President—

I now give notice that on to-morrow I will propose the following

CHANGE OF RULE:

Resolved, That the unfinished business of the previous day shall be first in order on the next morning after the journal is read and signed, in preference to all other business.

On leave, Mr. Kennard offered

ORDINANCE No. 10.

Entitled an ordinance providing for the appropriation of the funds in the hands of the receiver of public moneys at Batesville.

Section 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That all moneys in the hands of the late receiver of public moneys in the Batesville land district of the United States, be, and they are hereby appropriated for the purchase of arms, for the purpose of arming and equipping volunteer companies that have been, or may hereafter be organized, and ready for service in the army of the State of Arkansas, within the counties composing said United States land district.

Sec. 2. *Be it further ordained*, That —— ——, and —— ——, and —— ——, be, and they are hereby appointed a commission, to superintend the purchase and distribution of arms for the counties referred to in the foregoing section, whose duty it shall be, immediately on being notified of their appointment, to select one of their number to purchase, as soon as possible, such arms as the commission shall agree upon, and such quantity of them as the funds hereby appropriated will be sufficient to purchase.

SEC. 3. *Be it further ordained*, That the late receiver of public moneys of the Batesville land district, be, and he is hereby required to deposit all the funds in his hands, as such receiver, in the county treasury of Independence county, taking his receipt therefor; which receipt shall be a voucher for said receiver, in any settlement he may hereafter be required to make with the state, for the purpose of ascertaining the amount of money in his hands.

SEC. 4. *Be it ordained*, That ——— ———; and ——— ———, and ——— ———, the commissioners aforesaid, are hereby authorized to draw upon the treasurer of Independence county, for any and all moneys deposited in his hands, under the provisions of the foregoing section, in payment for such arms as they may purchase, and shall render a faithful account of all arms purchased, and moneys paid therefor, to the auditor of public accounts.

SEC. 5. *Be it ordained*, That the auditor of public accounts shall audit the accounts of the commissioners and of the treasurer of Independence county, in all matters of account arising under this ordinance, and give to them proper receipts and discharges, and keep a record of the same as of other official transactions.

SEC. 6. *Be it ordained*, That all arms purchased under the provisions of this ordinance, shall be deposited by the commissioners, in equal quantities, at Batesville, in Independence county; in Jacksonport, in Jackson county, and at Pocahontas, in Randoph county; and shall, under the direction and control of said commissioners, be distributed among the several counties composing said United States land district, according to the representation of said counties in this convention, and to volunteer companies therein, the commissioners taking receipts of captains of companies, or colonels of regiments therefor, which, when all of said arms shall be distributed, shall be filed in the office of the secretary of state.

Which was read.

Mr. Bussey moved to amend by including Champagnolle land district in the provisions of the ordinance; which was accepted.

Mr. Carrigan moved to amend by including Washington district in the provisions of the ordinance; which was accepted.

Mr. Murphy moved to amend by including Fayetteville district in the provisions of the ordinance; which was accepted.

Mr. Totten, of Arkansas, moved to amend by including Helena district in the provisions of the ordinance; which was also accepted.

And on motion of Mr. Smoote, the ordinance, as amended, was indefinitely postponed.

Mr. Fishback offered the following

RESOLUTION:

Resolved, That in order to afford the several committees of this body time to elaborate the subjects now before them, this convention suspend its afternoon sessions until Monday next.

Which was adopted.

Mr. Dollarhide offered the following

RESOLUTION:

Resolved, That the president of the convention appoint a special committee consisting of seven delegates, to consider the propriety of sending commissioners from the State of Arkansas, to consult the constituted authorities of the several Indian territories, who have organized governments, on the western border of said state, to ascertain upon what terms and conditions they are willing to unite their destinies with the Confederate States, and, if thought expedient, said committee to report an ordinance providing for the same.

Which was lost.

Mr. Hobson presented the following

COMMUNICATION:

To the Honorable State Convention of Arkansas—

The subscriber respectfully represents that he is an agent of the Pine Bluff telegraph company, a corporation existing under a charter of the legislature of the State of Arkansas; that the said telegraph company contemplated the construction of several lines of telegraph within the state, as authorized in said charter, and amounting in all, near a thousand miles; that the said company have now in operation a line from Pine Bluff to Little Rock; that the stock in the extension of the line from Pine Bluff to Napoleon, is now short of the amount desired.

That the subscriber has been engaged the past two months in soliciting stock for the extension of the line from Pine Bluff to Princeton, Camden, Eldorado and Magnolia, to the state line of Louisiana, and from Princeton to Arkadelphia and Washington, and state line of Texas, and that the amount of stock thus far subscribed will not warrant the undertaking of immediate construction.

The subscriber, therefore, in behalf of said telegraph company, solicits a stock subscription from the State of Arkansas, and to advance the amount so subscribed, in order to facilitate said extensions to immediate completion, and for the part purchase of wire, etc.

By the state subscribing the following amounts on routes designated, the lines can be completed within 60 or 90 days after the receipt of the wire—several miles of wire now being on hand at Pine Bluff.

The number of miles would be 292, and the stock subscription desired $8,250 00

Finished—Pine Bluff to Little Rock, 47 miles.

Pine Bluff to Napoleon	80 miles..........	$20	$1,600 00
" " " Princeton,	45 miles..........	30	1,350 00
Princeton to Camden..	35 miles..........	30	1,050 00
" to Arkadelphia	50 miles	50	2,500 00
No. miles...........	292		$8,250 00

The subscriber in behalf of said company will be pleased at any time to give any further information in regard to the subject he may be called upon. If this matter is favorably considered, the work on all the routes will be commenced within a week from the day of the decision.

Respectfully,

J. SNOW, *Agent*

P. B. Telegraph Co.

Which was read and on motion of Mr. Hobson, referred to the committee on state affairs.

Mr. Johnson presented an account against the convention for telegraphing, which was read and referred to the committee on ways and means.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined "an ordinance to appropriate money to advance to volunteers for the use of the Confederate troops, and instruct me to report the same correctly enrolled.

GRIFFITH, *Chairman.*

Which was received.

Mr. Flanagin, from a select committee, made the following

REPORT:

Mr. President—

The committee who were instructed to call upon the governor and inform him of the organization of this body have done so, and beg leave to report that they have performed that duty, and that the governor informed them that he would make a communication to this body at an early day.

FLANAGIN, *Chairman.*

Which was read and received.

Mr. Garland, of Pulaski introduced the following ordinance (No. 11,) to suspend an act of the legislature of the State of Arkansas, approved on the 16th day of January, 1861, entitled "an act to aid the foreclosure of the stock mortgages given to secure stock subscriptions to the Real Estate Bank of the State of Arkansas."

Be it ordained by the people of the State of Arkansas in convention assembled, That the act passed and approved by the legislature of the State of Arkansas, on the 16th day of January, 1861, entitled "an act to aid the foreclosure of the stock mortgages given to secure stock subscriptions to the Real Estate Bank of the State of Arkansas," shall not take effect and be in force until the 1st day of January, A. D. 1863, and the law officer, whose duty it is under said act to take steps to foreclose the mortgages as therein provided, shall not proceed to have such mortgages foreclosed until the 1st day of January, 1853.

Which was read, and on motion of Mr. Fuller, referred to the committee on judiciary.

Mr. Johnson introduced

ORDINANCE No. 12.

Be it and it is hereby ordained by the people of Arkansas, in convention assembled, That the county court in each of the counties of this state, be, and they are hereby empowered to levy and collect a tax, and appropriate means for the protection of their respective counties, and for such other purpose as they may deem necessary for their protection. The rate of taxation to be passed by such county court for the county for which such court, under the law sits and transacts business.

Mr. Hill offered to amend by inserting "or use their internal improvement fund for that purpose."

Which was accepted and on motion of Mr. Thomason, the ordinance, as amended, was referred to the committee on the judiciary.

Mr. Echols offered the following

RESOLUTION.

Resolved, That organized military volunteer companies whose services have been tendered to the governor for the defence of the State of Arkansas, be, and are hereby entitled to arms; *Provided*, That on the receipt of the arms, such volunteer companies be required to give bond for the same.

Which, on motion of Mr. Smoote was referred to the committee on militia.

Mr. Cypert offered the following

RESOLUTION:

Resolved, That this convention should not assume legislative powers further than are necessary as incidents growing out of the change of our federal relations, and providing for the immediate defence of the state by placing her militia upon a war footing.

Which, on motion of Mr. Mansfield, was referred to the judiciary committee.

Mr. Wallace offered the following

RESOLUTION:

Resolved, That the committee on judiciary be directed to take into consideration the propriety of passing an ordinance staying for a certain time the collection of all debts in the State of Arkansas, and report to the convention at an early day.

Which was adopted.

Mr. Watkins offered the following

RESOLUTION:

Resolved, That reports from the committee on enrollments be received at any time.

Which was adopted.

Mr. President then announced the following committees under resolutions previously adopted.

Judiciary Committee.—Messrs. Hanly, Turner, Flanagin, Cypert, Batson, Smoote, Murphy, Gould and Kennard.

Committee on Landed Interests.—Messrs. Floyd, Baber, Hilliard, Dinsmore, Garland of Hempstead, Hobson and Stillwell.

On motion of Mr. Bussey, the convention adjourned until to-morrow morning 9 o'clock.

DAVID WALKER,
President.

THURSDAY, *May* 9*th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hobbs, Hobson, Johnson, Kelly, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Yell and Mr. President—69.

On leave, Mr. Yell introduced the following

ORDINANCE No. 13.

Be it ordained by the people of the State of Aakansas in convention assembled, That the governor of the State of Arkansas is hereby authorized to commission all the officers elected by the volunteer regiment No. 1, without regard to any law of the State of Arkansas, concerning elections, upon the presentation to him of the names of said officers and their grades of office. And so soon as they are commissioned he will tender said regiment to the President of the Confederate States, to be employed under his command, as a regiment of the Confederate States.

Which was adopted.

The journal of yesterday was then read, approved and signed.

Mr. President presented the following telegraphic dispatch from the President of the Confederate States:

MONTGOMERY, Ala., *May 8th*, 1861.

To Hon. DAVID WALKER,
President Convention:

Welcome and congratulations to Arkansas. Each state casts but one vote in the Congress, and may send as many delegates as she chooses. The usage is not to exceed the number of senators and representatives had in U. S. Congress. Let delegates bring official copy of ordinance of secession and accession to this Confederacy.

JEFF DAVIS.

Which was read and received.

Mr. President also presented the following communication from the governor of the state:

EXECUTIVE OFFICE, *Little Rock*,
May 9th, 1861.

Hon. DAVID WALKER,
President of the State Convention:

Herewith I beg leave to present a communication and accompanying papers, touching the state of the country, which it will be well perhaps, to exclude at this time, from general circulation.

Respectfully,
H. M. RECTOR.

GOVERNOR'S MESSAGE.

EXECUTIVE OFFICE,
LITTLE ROCK, ARK., May 6th, 1861.

Hon. DAVID WALKER,
President of the State Convention:

In response to the invitation given me by your honorable body to communicate to it any views that I might desire to submit, I avail myself of the opportunity to present the following, touching the military and financial condition of the government, having as its executive officer been intimately connected recently in important movements necessary for its defence and safety.

Unexpectedly by the late proclamation of president Lincoln, a state of war has been provoked, involving each and every state of the old confederacy.

That document I regard as a declaration of hostilities as well against the states seceded as those still lingering in the old Union; each slaveholding or southern state having annouced distinctly an utter repugnance to the doctrine of coercion or subjugation of American freemen in or out of the union.

Upon this point at least, wc are and have been a unit, for it strikes away the corner-stone from the temple of American liberty.

Immediately following the proclamation issued by the President, I had the honor of receiving from the Hon. Simon Cameron, secretary of war for Mr. Lincoln's government, a requisition for seven hundred and eighty men to be raised from my fellow-citizens of Arkansas, for the very humane and christian purpose of "wiping out" and desolating the south by fire and sword, and other select appliances conceived of by the horde of motley mercenaries now marshaled under and desecrating the flag of the American Union.

To the communication of Mr. Cameron, I returned the following reply—brief but clearly indicative of what I, as the executive of this free people, conceived to be a fitting response to such a piece of presumption and ignorance. For I take it for granted that whatsoever is evolved from so high a political circle as the cabinet at Warhington, is put forth at least in a spirit of candor and not in hypocritical pretence and parade.

EXECUTIVE OFFICE,
Little Rock, Ark., April 22d, 1861.

Hon. SIMON CAMERON,
Secretary of War, Washington City, D. C.

In answer to your requisition for troops from Arkansas, to subjugate the southern states, I have to say, that none will be furnished. The demand is only adding insult to injury.

The people of this commonwealth are freemen, not slaves, and will defend to the last extremity their honor, lives and porperty, against northern mendacity and usurpation.

HENRY M. RECTOR,
Governor of Arkansas.

The purpose declared by President Lincoln of retaking the forts and arsenals being peculiarly pertinent to the attitude assumed by Arkansas in reference to such properties, I, as precautionary against any movement contemplated for the recapture of the Arsenal at this place, took immediate steps to inform myself if a concentration of troops should be attempted at Fort Smith, assuming that such a movement would be clearly indicative of a present intention to repossess the arsenal here.

On the 19th April, I received intelligence direct from Fort Smith, and from a source that I esteemed reliable, to the effect that a reinforcement of 1,000 United States troops had been ordered to repair promptly to that post. A sense of duty prompted me to take steps to intercept the additional command, and that said fort might not in future become the nucleus of an imposing force, I thought it best to reduce it to statue authority, and convert it into an encampment, fort or barracks, for the accommodation and security of an army of friends instead of a "masked battery," manned by astute and agile enemies.

Col. Solon Borland, a gentleman in whom I, and those whom he commanded had the most implicit confidence, was, as my aid-de-camp, put in command of the expedition with instructions to reduce Fort Smith and its contents, whether reinforced or not to the possession and authority of the state, which was done to my entire satisfaction, and I hope to that of every citizen who has the honor and welfare of his country at heart.

Brigadier-general N. B. Burrow is now in command of this post and public property captured with it, with directions to detach a sufficient force from his brigade to secure it against recapture by the United States forces.

Very shortly subsequent to Mr. Lincoln's declaration of war, the people of Cincinnati having instinctive proclivities towards public plunder, arrested as it is understood, a portion of arms and equipments contracted for in New York by Messrs. Danley and Churchill, commissioners appointed by the legislature to perform that service; four pieces of artillery, ammunition and fixtures therefor, and some cavalry accoutrements being the articles detained, the residue of the goods bought in New York having been received here previous to the inauguration of the Cincinnati policy. Self-preservation being the first law of nature from which the *lex-talionis* is well established, our citizens very properly, as I think, followed the precedent set by the people of Cincinnati, and captured for detention, not confiscation, several vessels northward bound, and belonging exclusively to the people of that city—and upon inquiry made of me upon this subject, I gave an order to Major General James Yell to take charge of said steamboats, "Mars" and "Ohio Belle"—to secure them and their cargoes against waste or damage until restitution should be made of the property captured in Cincinnati. So far no exchange has been made, and the boats remain under and subject to the proper authorities of Arkansas.

STEAMBOATS SEIZED AT NAPOLEON.

Steamboat "Ohio Belle," about 1000 tons burden; well fitted for transporting troops on the Mississippi river. Her cargo consists of 1500 sacks of salt.

Steamboat "Hetty Gilmer," about 150 tons burden—well adapted for the Arkansas and White rivers—light draught. Has a valuable cargo of assorted produce.

In connection with this subject, I will mention also that the citizens of Napoleon and Pine Bluff, upon their own volition, have recently captured a large amount of government subsistence stores and some cavalry equipments. Which transpiring subsequent to the late proclamation of Mr. Lincoln, I also approbated and consented to receive in the name of the state, and pay the current charges due for freight out of the public treasury.

Regarding it as almost providential that in time of great scarcity, and when positive inhibition is enforced against even the transportation south of the necessaries of life, that these cargoes should be lodged amongst our people—who are as justly entitled to them as those inhabiting any other portion of the original Union. But immaterial as the legal right, the act I conceive to be fully justifiable upon the score of self-defence and self-preservation, nature's first, noblest and universal law.

On the 2d ult., intelligence was received from the authorities and the people of East Arkansas and West Tennessee, that a large force of Mr. Lincoln's troops were assembling rapidly at Cairo, having heavy ordnance, horses, and adjuncts necessary for aggressive warfare. Universal alarm and uneasiness prevailed upon the eastern border, evincing a well grounded apprehension that a descent from Cairo was contemplated down the Mississippi for the avowed purpose of laying waste to all which might perchance be in the way. Believing that even short delay might invite an attack upon our citizens, and knowing their utter destitution of the means of defence if invaded, I dispatched a message to Gov. Harris enquiring whether he by authority would co-operate with Arkansas in the defence of the Mississippi. His assent to the proposition was prompt and fully to the point. Gen. Yell was called immediately into service, and orders issued by me to rendezvous such forces as in his opinion became necessary, opposite or near the city of Memphis, and to act in conjunction, as far as possible, with that city and the people of Tennessee in the common defence of that portion of the country; confining his operations however to our own limits and not for aggression, but for defensive purposes.

From his verbal report, I learn that he has five hundred men under arms at Mound City, under strict discipline, armed and equipped for the most efficient service. This much, in a military point of view, I deemed it my duty to do; the constitution and laws passed in conformity thereto authorizing and directing me "to protect the state against invasion," in such manner as the exigency may require, and to employ the army thereof for that purpose.

The timely convocation of your honorable body, possessing plenary powers under the scope of its delegated authority, representing the entire people of the state, evades the necessity of assuming further responsibilities on my part touching these important movements, until the status of the government shall be authoritatively fixed, and a policy indicated for the future guidance of those who may be charged in future with the maintainance and defence of the state. If left to me, it must not be anticipated else than that the last sinew in the last arm of the last man in Arkansas, myself with the rest, shall be brought in requisition rather than a flag of conquest and dishonor shall be unfurled over our people. For to us, it is a war of successful defence or extermination—one of liberty or death—between which I cannot doubt that Arkansians will hesitate to choose.

War, though no luxury, is nevertheless an expensive indulgence, and requires money to conduct it successfully, or even at all.

Arkansas I regard as being in the most exposed condition of any state in the Union. Her contiguity to the Indian territories west, which countries are regarded by the opposing governments respectively, as important—nay, indispensable adjuncts, will make her western border almost the exclusive theatre of war west of the Mississippi. The germ of present difficulties was found in Kansas, and their solution will be had in a great battle to be fought upon the same soil, I predict.

Nor are we less, but more exposed on the shores of the Mississippi. The topography of the country there is inauspicious for defence, insalubrious for troops, and presenting formidable obstacles for their transportation or necessary local movements or evolutions.

With the co-operation of Tennessee, however, our security is much increased, and successful defence made practicable.

Amongst others to the state, there is a serious difficulty in the lack of arms. The supply consists in 10,000 stand of infantry, cavalry service for one regiment, with thirty pieces of artillery, all told—the latter generally of small calibre, and many pieces unfit for service.

A moiety of these given to the eastern and western borders, would afford each section or locality, arms for 5,000 men. This force, though formidable under ordinary circumstances, might nevertheless be confronted by an army of six times their number, making an unequal contest or precipitate retreat inevitable.

I would suggest, therefore, that renewed efforts be made for the acquisition of additional guns, to the extent at least of the unexpended balance appropriated by the legislature for arming the state, amounting, as will be seen by the accompanying report of the auditor marked "E," and herewith submitted, $63,045 74, subject of course to the fulfillment within the time limited of contracts already existing, and entered into by said commissioners. A compliance with which, however, need now be scarcely anticipated.

In connection with this communication, I present the report of Adjutant General Burgevin, (marked "A,") reciting as far as practicable, the existing organization of the militia of the state, and offering some suggestions pertinent to the defence of the western frontier, which I commend to your attention.

If I may venture to suggest any definite mode of operations for the defence of Arkansas, it is that from the volunteer forces now organized in different portions of the state—commissioned, uniformed, and in many instances equipped and well drilled in company discipline—there be called into immediate service, and rendezvous at the arsenal at this place; a number sufficient to form five regiments, having proper regard to the necessary proportions of cavalry, artillery and infantry. This force to be organized under existing laws into battalions and regiments; and after complete arganization and discipline to be equipped and marched to the point where danger seems most to threaten. And so again, if circumstances require it, others be called to undergo the same training and preparation to make them effective soldiers. Without training and preparation of this kind at some point previous to entering the field, the most disastrous consequences must be entailed upon our troops if an engagement ensues. The arsenal grounds afford ample room for field exercises—the barracks, comfortable, roomy, with equipments and subsistence at the place to supply them.

The militia forces in many counties being very well drilled and commanded, in others, very poorly—to be held in reserve for emergencies. Our people are full of patriotism and chivalry, and if the needful care be taken to prepare them for the conflict, will give, I vouch-safe, a good account of themselves. Thousands of gallant spirits among us are clamorous for service, that thus far have not been accepted.

In anticipation of the fact, however, that Arkansas must as the best and only hope of permanent protection, unite her fortunes with other seceded states ere long, and thus be relieved in a great measure of the expense incident to a war with the federal powers, I look confidently to the resources of the state in men and money, as sufficient to defend her soil from successful invasion. Blessed by providence with a genial soil and climate, and the promise of an abundant harvest, she can and will succeed in her struggle for independence.

> "And though few are their lights in the gloom of the hour,
> Yet the hearts that are striking below,
> Have God for their bulwark, and truth for their power;
> And they stop not to number the foe."

I submit also for your information, reports prepared by the commissary, General M. L. Bell, marked "B and C," showing in detail the amount of public property belonging to the state pertaining to the war department, designating that at Fort Smith, the arsenal, and Hopefield, which has been captured from the United States, giving an approximate estimate of its value.

As legitimate and proper under existing circumstances, I recommend that an agent be dispatched to each and every United States land office, with instructions to seize all moneys that may be on hand, and that the same be appropripated to public use. And further, that the swamp land, internal improvement, seminary and all other specific funds be retained in the treasury for defensive purposes.

That the collection of debts by execution, foreign and domestic, be suspended until peace shall have been restored, or until such time in future as the ability of the people will warrant their collection.

I present herewith also statements D, E and F, prepared by the auditor. The first shows the amount disbursed and for what purpose out of the contingent fund. "E" shows the balance unexpended of appropriation made for arming the state. "F" shows the amount of specie in the state treasury on the 4th May, and the aggregate of internal improvement, saline and swamp land fund now on hand, exclusive of $122,000 yet to be paid in by the sheriffs of the state revenue. It is proper to remark that there are subsisting contracts made by my predecessor for levee and ditch work still unfinished, situated mostly in the Jacksonport swamp land district, which will, of necessity, have to be provided for in land or money of said district, there being no cash on hand pertaining thereto at this time. A small amount ought to be retained of this fund for the payment of contingent expenses accruing heretofore, and others unimportant in amount that will obviously occur hereafter.

Our present and future relations with the two sections of the original Union having been determined upon, it will become at once important that we should pay due regard to our red neighbors of the west. By securing their sympathy and co-operation, we will acquire valuable allies and be able to reciprocate favors by affording them protection against the abolition crusade, that is held in store for them by the northern government. The country occupied by the Indians immediately west of Arkansas, is regarded with intense solicitude by the government at Washington and that of the Confederate States. Fertile, salubrious and most inviting in character and topography, in its geographical position indispensably requisite to the southern government, it ought not and cannot be abandoned to the North if it is in the power of the South to retain it. And I regard it now as being in the most precarious condition; demanding from Arkansas, as matter of security to herself, immediate and prompt action.

I earnestly recommend, therefore, the appointment of commissioners familiar with Indian character, and such as will command the respect and confidence of that people, delegated with authority to enter into preliminary arrangements preparatory to definite treaty stipulations hereafter to be ratified and solemnized with the Confederate States.

I regard this as of pressing importance, because of the utter incapacity on the part of the Indians to resist alone the occupation of their country by federal troops or federal agents.

As the only means of attaining definite information as to the feelings and purposes of these people touching the southern movement, I sent in January last, Maj. J. J. Gaines to confer in person with the chief men of the Cherokees, Creeks and Choctaws. The result of which was, that the two latter nations were found to be the fast and enduring friends of the South; though by no means, in the unsettled condition of their monetary affairs, and the lack of means and preparation of defence courting difficulty with the federal government—yet declaring their sympathies and attachments fer the South and southern institutions, with the announcement that when it become necessary to make a choice, that they would share a common destiny with the people of Arkansas, their natural friends and allies. The Cherokees, however, then, and still do occupy a more dubious attitude; and encouragement and assurances of the most explicit character will be required by them from the South to secure their support. With their assent, these nations ought to be admitted as states in the southern government.

Complexity of business and pressing current events demanding immediate attention from me, has left much less time and opportunity for the preparation of this communication than the importance of the subjects referred to merit. It is submitted nevertheless, respectfully, as a summary of information, which may, in some degree, lessen the labors of the convention in arriving at conclusions touching the interests and welfare of the government.

HENRY M. RECTOR.

EXHIBIT "D."

STATEMENT *showing the amounts drawn out of the contingent fund of the executive department since the 30th day of September,* 1860; *by whom the amounts drawn; for what purpose drawn, and by whom ordered.*

Date of warrant.	By whom Drawn.	By whom ordered.	FOR WHAT PURPOSES.	Amount.
Oct. 6, 1860.	Josiah Gould	Gov. Conway	For services as special judge of Dallas, Bradley, Ashley and Drew counties	$ 200 00
Oct. 10, do.	S. M. Weaver	Sec. of State	contingent expenses of the office of secretary of state	70 50
Oct. 13, do.	T. J. Churchill	Gov. Conway	postage and box rent due on account of the governor's office	76 62
Oct. 13, do.	same	Sec. of State	" " " office of secretary of state	13 25
Oct. 16, do.	J. S. Dyer	Gov. Conway	amount of reward by proclamation of governor for Coleman Bush, a fugitive from justice	200 00
Oct. 24, do.	Johnson & Yerkes	same	printing 3,000 copies of the militia laws of Arkansas	409 60
Oct. 29, do.	John E. Reardon	same	stationery for the use of the executive office, and for binding geological reports, for state	108 75
Nov. 6, do.	E P. Gaines	Sec. of State	repairs done on state house and fence	8 50
Nov. 8, do.	Peter Hotze	same	carpeting, etc., for refitting state house for reception of the General Assembly	14 30
same	James A. Hutchings	Gov. Conway	services as clerk in the executive office	50 00
same	S. M. Weaver	Sec. of State	cleaning, repairing and arranging furniture in state house for reception of General Assembly	66 30
Nov. 9, 1860	Henry Jacobi	Gov. Conway	binding 36 vols. documents for state library	56 09
Nov. 10, do.	John Hutt	same	services as adjutant general of Arkansas, rendered in organizing the militia of the state	150 00
Nov. 14, do.	T. J. Churchill	same	postage on account of the executive office	19 84
Nov. 15, do.	John Hutt	same	preparing abstract of the census of eastern distiict of Arkansas, for use of General Assembly	125 00
Nov. 17, do.	J. M. Wheeler	Gov. Rector	bringing W. Estes, a fugitive from justice, from Tennessee, and delivering him to sheriff of Sebastian county	200 00
Nov. 19, do.	P. M. Anders	same	freight and charges on 3 boxes geological specimens	8 29
Nov. 20, do.	Johnson & Yerkes	same	printing blank forms for use of executive office	170 00
same	W. S. Spaulding	Sec. of State	making step-ladder for Senate chamber and Representatives hall	5 00

Nov. 21, do..	R. J White	Gov. Rector.	services for preparing abstract of the census of Arkansas	75 50
Nov. 22, do..	T. J. Churchill	Sec. of State	postage on account of the office of secretary of state	46 77
Nov. 33, do	S. M. Weaver	same	servant hire, and for work done in and about the office of secretary of state	15 00
Nov. 24, do..	John Reynolds	same	repairs done on state house	12 00
Nov. 27, do..	Wm. H. Feild	Gov. Rector.	services as special judge of Pulaski county circuit court	50 00
Nov. 28, do..	F. J. Ditter	Sec. of State	repairing chairs and arranging desks in state house for reception of General Assembly	35 00
Dec. 7, do..	W. W. Matheney	Gov. Rector.	servant hire for executive office	4 50
Dec. 10, do..	W. S. Spaulding	Sec. of State	repairing state house gate	5 00
same	James M. Finley	Gov. Rector.	arresting and delivering to the sheriff of Calhoun county, Jesse T. Evans, a fugitive from justice	200 00
Dec. 11, do..	B. Murray	Sec. of State	repairing window in Senate chamber	1 01
same	Thomas D. Berry	Gov. Rector.	conveying 2 convicts from Madison county to the penitentiary	80 00
same	Henry Ray	same	services as guard in assisting the sheriff of Madison county, to convey convict to the penitentiary	30 00
same	Thomas J. Jack	same	services as guard in assisting the sheriff of Madison county, to convey convict to the penitenriary	30 00
same	Maxwell McBroom	same	services as guard in assisting the sheriff of Madison county, to convey convict to the penitentiary	30 00
same	John B. Berry	same	services as guard in assisting the sheriff of Madison county, to convey convict to the penitentiary	30 00
Dec. 13, do..	W. A. Porter	same	conveying convict from Sebastian county to the penitentiary	40 00
same	John Fitzgibbon	same	services as guard in assisting the sheriff of Sebastian county to convey convict to the penitentiary	30 00
same	Wm. McDonald	same	services as guard in assisting the sheriff of Sebastian county to convey convict to the penitentiary	30 00
same	W. A. Porter	same	conveying convict from Sebastian county to the penitentiary	40 00
same	Joseph Smith	same	services as guard in assisting the sheriff of Sebastian county to convey convict to the penitentiary	30 00
same	James Carroll	same	services as guard in assisting the sheriff of Sebastian county to convey convict to the penitentiary	30 00
Dec. 15, do..	F. J. Ditter	same	making case for geological and mineralogical specimens	85 00
same	H. Clay Robinson	same	arresting and delivering James Dent, a fugitive from justice to the sheriff of Izard county	200 00
Dec. 17, do..	O. R. Weaver	Sec. of State	servant hire in cleaning up about state house	3 00
Dec. 19, do..	R. Hutchinson	Gov. Rector.	services as special judge of Arkansas county circuit court	50 00

EXHIBIT "D"—CONTINUED.

Date of warrant.	By whom drawn.	By whom ordered.	FOR WHAT PURPOSES.	Amount.
Dec. 19, 1860	Read Fletcher	Gov. Rector.	For services as special judge of Jefferson county circuit court	50 00
Dec. 24, do	Peck & Butler	same	printing governor's proclamation	57 00
same	A. J. Ward	Sec. of State	making and furnishing 3 dozen chairs for use of the General Assembly	30 00
Dec. 26, do	S. C. Clayton	Gov. Rector.	conveying convict from Desha county to the penitentiary	60 00
same	same	same	" " " "	60 00
same	Dan. J. Murphy	same	services as guard in assisting the sheriff of Desha to convey convict to the penitentiary	45 00
same	John Harpes	same	services as guard in assisting the sheriff of Desha to convey convict to the penitentiary	45 00
same	S. T. Howell	same	services as guard in assisting the sheriff of Desha to convey convict to the penitentiary	45 00
same	Gibson	same	services as guard in assisting the sheriff of Desha to convey convict to the penitentiary	45 00
same	B. F. Grace	same	services as judge of Desha county circuit court	50 00
Jan. 2, 1861.	Thomas J. Churchill	Sec. of State	postage and box rent on account of the office of secretary of state	45 15
Jan. 15, do	John E. Reardon	same	stationery furnished for use of office of secretary of state	7 60
Jan. 21, do	Burgevin & Field	Gov. Rector.	freight and charges on two express packages	6 25
Jan. 30, do	Little Rock telegraph company	same	telegraphic dispatch sent by governor	3 60
Feb'y 4, 1861	J. J. Gaines	same	transportation of arms and munitions of war to Washington county	100 00
same	W. M. Matheny	same	servant hire for executive office	9 00
same	R. S. Yerkes	same	one pair of horses	375 00
Feb'y 5, do	Isaac Huyck	same	conveying Wilo. Williams to steamer S. H. Tucker	30 00
same	A. J. Ward	same	buggy and harness	250 50
Feb'y 12, do	W. N. Parish	same	40 pairs blankets for use of volunteer forces	110 00
same	John S. Starks	same	transportation as a volunteer from Crittenden county	6 00
same	Mrs. L. T. Camille	same	board of volunteer forces	83 75
same	W. S. Otey	same	bill of merchandize for use of volunteer forces at Little Rock arsenal	9 90
Feb'y 13, do	J. A. Slaughter	same	gas fixtures used in fitting up the state capitol	895 55
Feb'y 14, do	W. H. Field	same	20 pairs blankets furnished for use of volunteer forces	50 00
same	S. H. Tucker	same	amount of bill for subsistence stores furnished volunteer forces	371 25

same	same	same	amount of pay roll of 2d brigade Arkansas militia	1,537 74
same	T. H. Locke	same	keeping forty horses for volunteer forces	90 00
same	F. B. Henry	same	telegraphic dispatch sent and received by the governor	10 94
same	J. C. Henderson	same	amount of bill for subsisting volunteer forces	52 25
same	J. F. Batte	same	" " "	6 50
same	T. H. Carter	same	" " "	23 25
same	Dewel & Filkins	same	" " "	1,097 00
same	F. B. Henry	same	telegraphic dispatch to Danley and Churchill	5 76
same	Peter Hanger	Gov. Rector	transportation of volunteer forces	170 00
same	John I. Stirman	Sec. of State	freight and drayage on books for state library	10 75
same	A. J. Hutt	Gov. Rector	bill of merchandize furnished volunteer forces	384 48
same	J. D. Butler	same	printing proclamation of the governor	6 50
same	P. P. Burton	same	servant hire for volunteer forces	6 27
Feb. 15, do	I. Huyck	same	use of one team and buggy for transportation of officers and aid-de-camps of governor and major general	40 00
Feb. 16, do	Burgevin & Field	same	bill of merchandize furnished volunteer forces	185 35
same	L. J. McBride	same	services as guard at Little Rock arsenal	3 94
same	F. M. Dill	same	" " "	3 94
Feb. 21, do	John I. Stirman	Sec. of State	cleaning out senate chamber and hall of representatives	20 00
Feb. 25, do	J. J. Clendenin	Gov. Rector	keeping horses of Phillips county volunteers	119 00
same	James L. Duff	same	subsisting volunteers	43 25
same	Marion L. Burrow	same	transportation and subsistence of volunteers	16 00
same	Burgevin & Field	same	merchandize furnished volunteer forces at Little Rock arsenal, and cash paid on same account	126 50
Feb. 26	S. E. Foust	same	keeping horses belonging to the volunteers	26 00
same	Augustuss Voss	same	repairing and painting gun carriages for state	31 00
Feb. 27	Sylvester Lee	same	subsisting volunteers	224 40
same	Burgevin & Field	same	freight and drayage on state arms sent to Van Buren, and stores furnished guard at arsenal	115 16
March 2	James A. Ashford	same	supplies furnished volunteers	34 25
March 4	Burgevin & Field	same	transportation of J. J. Gaines, freight on two horses, and for supplies for arsenal	108 36
March 5	W. W. Morrow	same	subsisting volunteers	110 75
same	E. Burgevin	same	amount of pay roll of Phillips county guards	1,060 50
March 7	T. C. Peek	same	14 days' services as deputy paymaster in paying officers	98 00
March 8	John D. Adams	same	transportation of volunteers from Little Rock to Helena	110 00
March 9	A. S. Roane	same	services as surgeon at Little Rock arsenal	119 00

EXHIBIT "D"—CONTINUED.

Date of warrant.	By whom Drawn.	By whom ordered.	FOR WHAT PURPOSES.	Amount.
March 9, 1861	J. D. Adams	Gov. Rector.	For transportation of volunteers from Little Rock to Helena	$ 320 00
March 11,	Burgevin & Field	same	supplies furnished volunteers	38 61
March 12,	S. H. Tucker	same	amount due officers and men of 2d brigade Arkansas militia	226 66
March 16,	Ward, Lankford, Futrel & Delk	same	services as guard at Little Rock arsenal	68 80
same	Feild & Dolly	same	carpeting and window curtains for governor's office	82 35
March 20,	W. F. Rapley	same	6 days' services as aid-de-camp to the governor	47 00
same	T. J. Churchill	Sec. of State	postage on account of the office of secretary of state	62 54
March 21,	J. N. Murphy	same	laying hearth in state house	2 00
same	W. S. Otey	Gov. Rector	services as guard at Little Rock arsenal, and for transportation to Helena	733 75
same	J. Clendennin	same	transportation of guard at arsenal	33 00
same	A. S. Roane	same	medicines furnished and attendance on guard at arsenal	73 00
March 22,	W. Murray	same	bread furnished guard at arsenal	50 00
March 23,	Joseph Schader	same	beef furnished guard at arsenal	18 34
March 25,	Wm. Brooks	same	arresting and delivering to the sheriff of Jackson conuty, J. M. Patto	200 00
same	James A. Martin	same	transportation of state arms from Little Rock to the border counties	401 00
March 26,	John J. Roane	same	services as aid-de-camp to the governor	27 33
same	John I. Stirman	same	servant hire for use of volunteer forces	1 25
March 37,	Henry Jacobi	same	stationery furnished for use of the executive office	17 00
April 1, 1861	Johnson & Yerkes	same	printing 800 board tickets, ordered by E. C. Jordan, as quarter master	8 00
same	same	same	printing governor's proclamation and blank forms	269 60
same	same	Sec. of State	printing blank for use of the office of secretary of state	20 50
same	Burgevin & Feild	Gov. Rector.	drayage, storage, receiving and forwarding state arms	28 00
April 4,	Jacob Hawkins	Sec. of State	10 cedar posts for repairing state house fence	8 00
April 4,	Richard Madden	same	repairing done on state house fence	5 00
April 5,	E. P. Lane	Gov. Rector.	transportation of Jefferson county volunteers	67 50
April 8,	J. J. McAlmont	same	medicines furnished volunteer forces at Little Rock arsenal	31 70
April 8,	J. A. Slaughter	same	1,400 feet gas	7 05
April 13,	W. Marlow	Sec. of State	repairs on state house fence	25 25
April 16,	J. E. Reardon	Gov. Rector.	stationery for use of the executive office	35 15
same	same	same	stationery for use of the militia	4 50

April 17,....	L. C. Baker.................	same ..	telegraphic dispatches from Louisville and Fort Smith..............	19 80
April 18,....	D A. Newman..............	same ..	arrest and transportation of A. R. Burk, a fugitive from justice.......	35 50
April 19,....	A. J. Ward.................	same ..	one table for use of the executive office...........................	6 00
April 22,...	B. T. Du Val................	same ..	funds to defray expenses of the expedition against Fort Smith.......	5,000 00
same	T. C. Peek..................	same ..	hired service at Little Rock arsenal..............................	275 00
same	S. H. Tucker & Co...........	same ..	supplies furnished the expedition against Fort Smith...............	1,461 03
April 24,....	J. S. Roane.................	same ..	freight and charges on government stores taken by state, and transportation of troops..	4,000 00
April 25,....	T. D. Merrick...............	same ..	transportation to the western border..............................	50 00
same	J. S. Roane	same ..	drayage on stores taken from the steamer Silver Lake............	136 75
same	same	same ..	drayage on stores from steamboat landing to arsenal.............	22 50
April 26,....	J. W. Smith	same ..	transportation of state troops from Pine Bluff to Ozark and back.....	3,088 00
same	W. Nowland	same ..	" " Little Rock to Fort Smith........	1,820 00
April 27,....	Pine Bluff telegraph company.	same ..	telegraphic dispatches sent to Cols. Roane, Bell and McGregor........	9 05
same	Burgevin & Field...........	same ..	freight and charges on government stores from Napoleon, and for transportation of guards..	429 10
same	Capt. Houston...............	same ..	transportation of state troops from Little Rock to Fort Smith..........	414 00
same	James Yell	same ..	funds to defray expenses of the expedition to Hopefield	2,000 00
same	T. C. Peek..................	same ..	drayage on ordnance and ordnance stores..........................	51 00
same	Burgevin & Field............	same ..	freight on government stores taken by the state...................	533 15
same	Tilly & Reside..............	same ..	keeping two horses from 28th February to 17th April, 1861...........	41 00
April 29,....	J. D. Adams................	Sec. of State	freight on 6 boxes books...	36 75
same	Charles Rapley	Gov. Rector.	transportation of Capt. Glen's company to Brownsville...............	60 00
same	Burgevin & Field...........	same ..	drayage on ordnance stores from arsenal to steamboat landing........	47 60
same	Thomas Johnson.............	same ..	services as special judge of the supreme court	200 00
May 1, ...	John S. Roane	same ..	amount expended in shipping government stores from Pine Bluff to Little Rock..	125 00
same	W. Nowland	same ..	transportation of subsistence stores to Fort Smith...................	127 30
May 2, ...	D. F. Shall.................	same ..	transportation and subsistence of state troops from Little Rock to Fort Smith and back..	1,300 00
May 3, ...	T. C. Peek..................	same ..	drayage on stores from arsenal to steamboat landing, and for hired help at arsenal...	76 50
same	Filkins & Dewel............	same ..	board and transportation of Rector Guards to Brownsville...........	89 00
				$36,357 00

EXHIBIT "D"—CONCLUDED.

Balance of appropriation for contigent fund, 1st October, 1860........	$	3,278 50
Amount of appropriation 6th December, 1860		4,000 00
" " 21st January, 1861.........................		30,000 00
		$27,278 50
Amount drawn up to 4th May, 1861		36,356 00
Balance undrawn 6th May, 1861..............................		$922 50

W. R. MILLER, *Auditor.*

EXHIBIT "E."

STATEMENT—*Showing the amount drawn out of the appropriation to purchase Arms for the State.*

Date of Warrant.	BY WHOM DRAWN.	ON WHAT ACCOUNT.	AMOUNT.
March 27, 1861	John Collins	For freight and charges on 8 boxes ordnance stores	$ 58 20
" 30, "	Burgevin & Field	" " " " " Ordnance stores	165 30
same	T. P. Fitch	" Bill of military goods purchased by Danley and Churchill	2,488 06
April 1, "	Burgevin & Field	" Freight and charges on 30 boxes state arms	281 70
" 3, "	W. J. Syms & Bro	" 100 Sharp's rifles and 320 Cavalry sabres, purch'd by Danley and Churchill	6,824 57
same	W. J. Syms & Bro	" Arms purchased by Danley and Churchill for the state	6,596 50
" 8, "	Burgevin & Field	" Bill of cost and charges on state arms	312 45
" 15, "	Jas. L. Woodward	" Tents and cavalry accoutrements for state	3,483 09
same	W. J. Syms & Bro	" Rifles, arm chests, etc., purchased for the state	7,325 12
same	Burgevin & Field	" Freight and charges on tents, etc., for state	229 05
" 19, "	Burgevin & Field	" Freight and charges on ordnance and ordnance stores	204 60
" 24, "	W. J. Syms & Bro	" Munitions of war purchased for use of the state	7,177 56
May 3, "	S. H. Tucker	" Bill of tents and camp equippage bought from J. L. Woodward, for state	1,808 06
			$36,954 26

W. R. MILLER, *Auditor.*

Amount appropriated to purchase arms	$100 000 00
" expended or paid out	36,954 26
Balance	$63,945 74

EXHIBIT "F."

STATEMENT—*Showing the amount of specie in the state treasury on the 4th day of May*, 1861, *belonging to the following named funds:*

Applicable to state expenditures	$105,278 68
Internal Improvement fund	10,388 09
Seminary fund	2,477 17
Saline fund	1,019 55
Swamp Land fund	97,213 93
	$216,377 42

W. R. MILLER, *Auditor.*

Which were received and laid upon the table for the further action of the convention.

Mr. President also presented the memorial of James S. Smith, a citizen of Jackson county, in this state, asking that the State of Arkansas enter into a contract with said memorialist for a definite quantity of gun powder, etc.

Which was read and referred to the committee on state affairs.

Mr. Patterson of Jackson, offered the following

RESOLUTION:

Resolved, That the committee on state affairs be instructed to report an ordinance whereby an agent may be created to act in behalf of the state, and who shall be fully empowered to negotiate a contract with James S. Smith, within the scope and meaning of the several propositions included in his memorial, presented by him to this convention, touching the manufacture of powder.

Mr. Garland of Pulaski, moved to amend the resolution by striking out the words "instructed to report," and inserting in lieu thereof, the words "directed to enquire into the propriety of reporting;" which was accepted, and the resolution as amended, was adopted.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That no money or property of any kind whatever, now in the hands of the Superintendant of Indian affairs, or of any Indian agent, being placed there or designed for the Indians on the western frontier of Arkansas, shall be seized. But that the same shall so remain to be applied to and for the use of the several Indian nations, faithfully, as was designed when so placed in their hands for disbursement.

And the people of the State of Arkansas, here in sovereign convention assembled, do hereby pledge the sovereignty of the State of Arkansas, that every thing in their power shall be done to compel a faithful application of all money and property now in the hands of persons or agents designed and intended for the several Indian tribes west of Arkansas.

Which was adopted, and on motion of Mr. Floyd, certified copies of the resolution were ordered to be sent to such superintendent and agents.

Mr. Stillwell offered the following

RESOLUTION:

Resolved, That all proceedings in civil cases in the circuit courts, or before justices of the peace, within this state, and all final process issued therefrom, are hereby suspended; *Provided* that this resolution shall not be in force in any county until the judge of the circuit court thereof, (to whom the secretary shall forthwith transmit copies hereof,) shall be advised of the adoption thereof.

But, after some discussion Mr. Stillwell withdrew his resolution.

On motion of Mr. Carrigan the convention took a recess for one hour, at the expiration of which time the convention met and was called to order by the President.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Baber, Batson, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hobbs, Kelley, Kennard, Laughinghouse, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Prairie, Walker, Wallace, Watkins, Yell and Mr. President—60.

On leave, Mr. Yell offered the following

RESOLUTION:

Be it resolved by the people of Arkansas in convention assembled, That the officers and private soldiers of the several volunteer companies now at or near Hopefield, in the service of the state, shall be, and they are hereby authorized to form themselves into a regiment, and to elect therefor, one colonel, one lieutenant-colonel, and one major, which election shall be held by such persons as the captains of companies shall select, and shall be certified to the governor, who shall immediately issue commissions to the officers elected, as well as to the various officers of the line of such regiment.

And the colonel of such regiment shall appoint his own staff-officers, including one surgeon and an assistant surgeon.

Mr. Gould moved to amend by inserting after the words "form themselves into a regiment," the words "to be called the second regiment of Arkansas volunteers."

Which was accepted, and the resolution as amended was adopted.

Mr. President laid before the convention the following communication, from his excellency, the governor:

Hon. David Walker,
President of the Convention:

Sir—The enclosed telegram just received, I desire instructions from the convention.

Respectfully,
H. M. RECTOR.

[By telegraph from
Pine Bluff, May 9th, 1861.

To Gov. H. M. Rector:

Have stopped steamer Arago, nothing contraband on board but she is owned two-thirds in Pennsylvania and one-third in Missouri. Shall I detain her or let her pass up.

THOS. S. JAMES,
Brig. General.

Which was read and

Mr. Hanly offered the following

RESOLUTION:

Resolved, That the governor be requested to instruct the brigadier general holding the steamer Arago, detained at Pine Bluff, to release said steamer without further delay—and that the President of this convention lay a copy of this resolution before his excellency.

Which was adopted, and a copy of the resolution transmitted to the governor.

Mr. President also, at the same time, laid before the convention the following communication:

EXECUTIVE OFFICE, *Little Rock*,
May 9th, 1861.

HON. DAVID WALKER,
President of the State Convention:

SIR—I have recently received petitions numerously signed by citizens of the Jacksonport land district, stating that quite a number of good citizens have settled upon and improved tracts of swamp land recently confirmed, having by said settlement pre-emption rights thereto, and that in consequence of the universal scarcity of money, coupled with the fact that many men already, and more would, in all probability be called away from home in defence of their country, they would be unable to pay out their land if offered for sale at this time, and thus lose their labor, and leave their families without a home and in a state of destitution—praying that by executive authority, I direct such sales from being had—having no authority to do this under the law, I replied accordingly, but consented to lay the facts before your honorable body, for such action, if any, as it saw proper to take, which is accordingly done.

There is another matter which I deem it proper to mention. The transportation of troops called into action by the state, being chiefly for the north-eastern or western, and north-western borders is by water carriage, and constitutes a large proportion of the expense incident to army operations; ninety per cent of this money can be saved by using some of the steam craft plylng on the Arkansas river, and owned chiefly, and in some instances entirely by citizens of the northern states.

Such ownership being clearly established, I suggest the propriety of confiscating one or more of low water adaptation, for the public use, including any sold by citizens of said northern states to citizens of Arkansas, within the last fifteen days; *Provided however*, Nothing has been paid thereon, or in case a mere nominal amount has been paid by one of our citizens, he being reimbursed in that sum.

A number of boats suited to the purpose spoken of, have recently left this trade, and there are others which will do so shortly, unless prevented.

HENRY M. RECTOR,

Which was read, and on motion of Mr. Garland of Hempstead, was referred to the committee on state affairs, with instructions to report on the propositions referred to in said communication.

Mr. Mayo introduced the following

ORDINANCE No. 14.

Be it ordained by the people of the State of Arkansas in convention assembled, That the governor of the State of Arkansas be, and he is, hereby authorized to issue commissions to the officers of the "Hampton Rangers," a volunteer company in the county of Monroe, without regard to any state law of the State of Arkansas concerning elections, upon his being informed as to the names and grade of the officers; and that after they are commissioned, they are to remain subject to the militia law of the State of Arkansas, as other volunteer companies are now.

Which, after some discussion, was withdrawn.

The hour having arrived for the special order of the day, Mr. President announced that it would be taken up.

On motion of Mr. Garland of Pulaski, the special order was postponed, and made the special order for to-morrow, immediately after the reading of the journal.

Mr. Adams, from the committee on state affairs, made the following

REPORT:

To the President and Members of the Convention—

The committee on state affairs, to whom was referred the ordinance offered by Hon. Mr. Totten of Prairie, in regard to foreign indebtedness in the State of Arkansas, and in regard to other objects, have instructed me to report the following ordinance as a substitute therefor, and recommend the passage of the same.

Respectfully,

CHAS. W. ADAMS,
one of the committee.

ORDINANCE No. 15.

To prevent giving aid and comfort to the enemy.

Whereas, War exists between the United States of America and the Confederate States of America, by the act of the former; and whereas, the State of Arkansas, by dissolving the nnion between herself and those states which continue to be the United States of America, and by offering to contract an alliance with and in due time to become one of the said Confederate States, has become a party to the said war: Now, therefore, *The people of the State of Arkansas, in general convention assembled, do ordain:*

1st. That every citizen of any one of the said United States of America is, and shall henceforward be taken and regarded as an alien enemy of the people of the State of Arkansas, so long as the state whereof he is a citizen shall continue to be one of the United States, or at war with the said Confederate States; and all the consequences and incidents of such status of alien enemy shall, during the whole of such time, attach to him or her: and the same law and rule shall apply to all residents of the District of Columbia and of any territory of the United States, so long as such district or territory shall continue to be held and occupied by the said United States, until said state of war shall cease.

2d. That all personal property, of all such alien enemies, within this state, is hereby declared forfeited to the state, and confiscate; including all goods, wares and merchandize in the hands of any person in this state, belonging to any such alien enemy, and for sale on commission: and this convention will appoint, or authorize the appointment of, the proper number of commissioners, in the different portions of the state, to take possession of and keep and make sales of all such property hereby confiscated.

3d. A board of escheats and confiscations is hereby created, to sit permanently at Little Rock, and to be composed of three proper persons, appointed by the convention, which shall have control over all the commissioners aforesaid, direct sales of property, and prescribe the rules to govern such sales, and receive and account for the proceeds of sales.

4th. The said board shall appoint the commission at Little Rock, for the county of Pulaski, to consist of two persons; and these, being commissioned by the board, shall forthwith enter on the discharge of their duties; and it shall also, after the adjournment of this convention, appoint commissioners for any counties in which they may be needed, and for which the convention shall not have provided commissioners.

5th. Each commission shall proceed, as speedily as possible, within its own county and any other county in the same judicial district for which no commissioner may have been appointed, to search and inquire for and take possession of all such property as aforesaid, and to make out complete invoices or schedules thereof, and to appraise the same at its selling value in cash, to return these to the board of escheats and confiscations, and safely to keep and preserve the property so seized, until and subject to the order of such board.

6th. The board shall cause to be turned over, to the proper military officers, all of such property as may be available for military purposes, and all other of such property shall direct and cause to be sold by such commissioners.

7th. Each such commission, or either member of each, shall have power to administer oaths, and to examine upon oath persons in possession of any property supposed to be held on commission or in trust for alien enemies, and any other persons, in regard to the ownership of such property; and their warrant to any sheriff or constable directing him to seize any such property, shall authorize and require him to do so, and shall empower him, if necessary, to call on the force of the county or on the military for assistance. And any person swearing falsely, and doing so wilfully and intentionally, in his testimony or responses so given on oath before any such commission or commissioner, shall be deemed guilty of wilful and corrupt perjury.

8th. From the decision of any commission, in regard to the title of any such property, the party in possession, or any claimant of the property, may appeal to the board of escheats and confiscations, which shall re-hear the case, upon the testimony taken in writing before the commission, and upon any new testimony offered; and its decision shall be final, saving the constitutional right of revision and direction by the supreme court. It shall have power to prescribe all needful rules and regulations in regard to such appeals, regulating the manner of taking, and the conditions of granting the same, requiring security in cases where it may be necessary, and providing for the safe keeping of the property, or the sale of perishable property during the appeal.

9th. The attorney of the state for the judicial district of each commission shall appear for and represent the state in all cases of contested ownership before such commissions, and give his opinion and advice to each such commission, in these and all other cases, when requested, without fee. And the attorney general shall represent the state in all such cases on appeal, before the board of escheats and confiscations. And the state may, by the attorney of the state, appeal from any final decision of any commission, to such board; the decision whereof against it shall also be final, with the saving aforesaid.

10th. The commissions and board aforesaid are hereby declared to be of the same dignity as prize courts and courts of admiralty; and their proceedings, if impeached, shall receive the same favorable conttruction; and shall be deemed to be proceedings in rem, whereof all the world has notice; and their decisions and judgments to be binding on all the world, and sales under their orders to give complete title to the purchaser.

11th. All moneys arising from such sales are hereby devoted to the military service, and shall be paid by the board into the military chest, for that service.

12th. Any citizen of this state, or person resident herein, who shall, after the passage of this ordinance, pay or remit to any alien enemy, in discharge of a debt or otherwise, any moneys or other thing of value whatever, or shall place the same in the hands of another, to be so paid or remitted, and any attorney at law or other person who shall collect, or receive of any person in this state, any moneys or other thing of value, for any alien enemy, or an account of a debt due any alien enemy, or shall take and receive in trust, by or without conveyance, any property or moneys whatever for any alien enemy, and shall pay or deliver the same to such alien enemy, shall be deemed guilty of a high misdemeanor, and of giving aid and comfort to the enemy; and being convicted thereof upon indictment in the proper court, shall be imprisoned in the jail and penitentiary house of the state, not less than one nor more than five years, and pay to the state, for the use of the military chest, a fine equal to the amount so received for or paid over to the enemy. And these provisions shall apply to all attorneys at law who permit such moneys to be collected by or upon execution issued or judgment obtained in the name of, or for the use of any alien enemy; *Provided*, That this section of this ordinance shall not take effect until after the lapse of twenty days from the passage of this ordinance, except where the party so acting shall have actual notice hereof at an an earlier period.

13th. Every suit now pending in this state, in any form of action, for the recovery of moneys, the plaintiff or either of the plaintiffs in which, or the persons for whose use the suit is brought, either actually or upon the record, is an alien enemy, shall be suspended and stand continued, until the disability of such plaintiff or person is removed; and every execution issued on any judgment obtained by or for the use of any such person or persons, shall be and is hereby ordered to be returned. Such suit shall be ordered to stand continued upon motion and proof of the disability of the plaintiff or beneficiary in each and every such suit summarily heard; and such execution may be returned, on motion made in vacation before the judge of the court, who shall hear such proof at chambers, and summarily dispose of such motion. The attorneys or counsel of the plaintiffs may be summoned and required to testify fully, upon such motions, without regard to any privilege whatever; and there shall be no formal pleadings, issue or trial; *Provided*, That the lien or liens now existing by virtue of any such judgment, or levy of execution or executions shall not by means hereof in any wise be impaired; and the time for which collections or payments shall be by means hereof suspended, shall not be taken or considered part of the time under any statute of limitations of this state state.

14th. It is hereby made the duty of every such attorney at law, forthwith to cause every such execution to be returned, and to continue or dismiss every such suit.

15th. That all sales or contracts for sales of any lands holden in this state by any citizen or citizens, corporation or company, resident or being in, or citizen of, any one or more of said United States, or the territories thereof, and any and all bond or bonds, or other assurances, or agreements, or contracts, for title to any such lands, made, executed or agreed to subsequent to the 6th day of May, A. D. 1861, and during the disability aforesaid, are hereby declared to be utterly and absolutely void, and of no effect, and all of the courts of this state shall so hold and consider the same.

16th. That this ordinance shall not have effect as to the property of citizens of the states of Delaware, Maryland, Kentucky, North Carolina or Missouri.

17th. That all the unappropriated public domain within the State of Arkansas, is, of right, the property of said state; and that the title, control and jurisdiction of and over the same, are hereby vested in and assumed by the state, subject only to such rights as have been acquired under the laws of the United States, prior to the 6th day of May, A. D. 1861.

18th. That all laws and parts of laws of the late government of the United States respecting the sales and surveys of of the public lands in this state, and all rules and ordinances concerning the administration of the same, which were in force in this state on the 6th day of May, A. D. 1861, and which are not inconsistent with the ordinance passed by this convention, shall continue to be in full force in this state.

19th. That until otherwise provided, all of the powers, duties, rights and emoluments which by the existing laws of the late government of the United States are held, possessed or enjoyed by the registers and receivers of land offices in this state, and which are not inconsistent with the laws of this state, or the ordinances passed by this convention, shall continue to be held, possessed, enjoyed and exercised by the said registers and receivers, until otherwise provided by this convention or the legislature of this state.

20th. That the register and receiver of the land offices aforesaid shall be continued in their respective offices; provided they shall at once take the oath of office of this state, and execute official bonds, to be approved of by the governor, and those remaining in office and their securities shall be held harmless against all damages which might be claimed of them by the United States by reason of the compliance with the requirements of this ordinance.

21st. That in case one or more of such registers and receivers shall refuse to take the oath of office referred to as hereinbefore provided, then the governor of the state, or some person by him appointed thereto authorized, shall immediately take possession of all the public moneys in his or their hands, and of all the books, papers, maps, records, and archieves of, and belonging to, their respective offices

22d. That all moneys now in their hands, and there arising from the sales of the public lands, shall be paid over by the receivers of the several land officers in this state to the treasurer of the state, at such times, and such form as the same officers pursued in paying over such moneys to the late government of the United States, and all reports required to be rendered and made to the said government at Washington by the several officers hereinbefore named, shall be rendered and made to the auditor for the State of Arkansas; *Provided however*, That any warrants which may have been drawn on any of said receivers, as disbnrsing officers of the late government of the United States prior tn the 6th day of May, A. D. 1861, in favor of any citizen of this state, or of any state which has dissolved, or at the time of the passage of this ordinance, shall have dissolved the judicial connection between such state and said government of the United States, or which shall actually belong, in good faith, to any such citizen, by proper transfer, actually made prior to said 6th day of May, A. D. 1861, may be paid out of the funds so paid over by such receiver, into the treasury of this state as hereinbefore provided for; *Provided*, That before any such draft or warrant shall be paid, the person claiming as such citizen to be the owner of the same, shall present the same to the auditor of this state, and establish, by the testimony of least two disinterested witnesses, to be taken by and before said auditor, who is hereby authorized and fully empowered to take such testimony, and administer all proper oaths for that purpose, that such claimant is such citizen, and is such owner in good faith for value, and said auditor, upon being satisfied of said facts by such proof, shall, upon the surrender to him by such holder of such warrant, issue his warrant upon the treasurer of this state, for the payment of the amount of such warrant so surrendered; *And provided further*, That said auditor shall not draw warrants for payment for any greater sum in the aggregate than the whole sum paid over by such receivers for moneys in their hands prior to the 6th day of May, 1861. And any person, or persons, knowingly testifying falsely before said auditor, touching such warrants, or any one of such warrants, shall be deemed guilty of willful and corrupt perjury, and upon conviction thereof, shall be punished in the same manner as is now prescribed by law.

23d. That the governor of this state shall have power and authority to remove any of the land officers aforesaid, whenever the public interests of the state shall require such removal, and to fill such vacancies by and with the advice and consent of the senate, and in case any of said officers should fail or refuse to take the oath required, the office shall be deemed vacant, and the governor shall fill such vacancy in the manner above specified.

24th. That any and all personal property of whatsoever description, belonging to the United States, heretofore taken, or which may hereafter be taken, by any of the people of, or by the authority of this state, or the governor of this state, shall be taken charge of, and be disposed of by the said board of escheats and confiscations, in the same manner as hereinbefore specified and prescribed as to personal property of individuals. And all persons having in their hands, or control, any such property, shall at once deliver the same over to said board of escheats and confiscations.

25th. That the location of all warrants known as military bounty land warrants upon any of the lands in this state is hereby forbidden, and any such location made subsequent to the 6th day of May, A. D. 1861, shall be utterly void and of no effect.

Which was read and received; and on motion of Mr. Stillwell, 100 copies were ordered to be printed; and

On motion of Mr. Carrigan, the injunction of secresy was placed upon the public printer; and

On motion of Mr. Garland, of Pulaski, said ordinance was made the special order for Saturday morning, after reading of the journals.

Mr. Kennard gave notice that on to-morrow he would introduce the following

RULE:

"The order of business shall not be suspended for the introduction or consideration of any business out of the regular order, except by a unanimous vote of the convention."

Which was placed on the calendar.

Mr. Hanly, on leave, introduced

ORDINANCE No. 16,

To amend the third article of the constitution of this state.

Which was read; and on motion of Mr. Thomason, referred to the committee on the judiciary.

Mr. President laid before the convention the following

COMMUNICATION:

EXECUTIVE OFFICE, *9th May*, 12 *M.*

Hon. DAVID WALKER, *President, etc.:*

SIR—Since my last communication, I have received the enclosed dispatch; and in reply, directed the Arago to be brought to this port, with cargo, for further orders. I recommend her confiscation, if, upon investigation, she and cargo is owned in the north, as represented.

Very respectfully,
H. M. RECTOR.

[By telegraph from Pine Bluff.]

MAY 9th, 1861.

To Gov. H. M. RECTOR:

Steamboat Arago is owned, by her papers, in Pittsburg, Pennsylvania, and has one hundred tons provisions belonging to owners. Shall we confiscate her here? Plenty of good southern steamboatmen here to take her where you want her free of charge.

Capt. JNO. M. BRADLEY.

Which was read; and

On motion of Mr. Gould, the secretary of the convention was directed to communicate to the governor the recalling of the resolution heretofore transmitted to him upon this subject, and that this convention approve the action of his excellency in the premises.

Mr. Totten, of Prairie, offered the following

RESOLUTION:

Resolved, That the committee on ways and means be instructed to report, at their earliest convenience, a plan of finance comprehensive enough to meet the exigency of times.

Which was adopted; and

On motion of Mr. Cypert, Mr. Totten, of Prairie, was added to the committee on ways and means.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollments have examined the enrollment of

An ordinance to authorize the governor to commission officers, and for other purposes.

A resolution in reference to money in the hands of the superintendent of Indian affairs, and Indian agents.

A resolution for the election and commission of officers for the military companies now at Hopefield; and find the same correctly enrolled.

GRIFFITH, *Chairman.*

Which was received.

Mr. Grace, from the committee on ordinances and resolutions made the following

REPORT:

Mr. President—

Your committee have the honor to report the following ordinance, and would respectfully ask its adoption.

GRACE, *Chairman.*

ORDINANCE No. 17.

To adopt the Provisional Constitution of the Confederate States.

Which report was received, and the ordinance placed on the calendar.

On motion of Mr. Kennard, the convention adjourned until to-morrow morning 8 of the clock.

DAVID WALKER,
President.

◆

Friday, *May 10th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hobbs, Hobson, Kelley, Kennard, Laughinghouse, Mansfield, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Wallace, Watkins and Mr. President—64.

Journal of yesterday read, approved and signed.

The special order of the day being Ordinance No. 17, was taken up and read, entitled

AN ORDINANCE

To adopt the Provisional Constitution of the Confederate States of America.

SEC. 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the Constitution of the Confederate States of America, made and adopted at Montgomery, in the State of Alabama, by the deputies of the States of South Carolina, Georgia, Florida, Alabama, Mississippi and Louisiana, and afterwards adopted by the people of the State of Texas, for the provisional government of the states adopting the same, and all ordinances made, laws passed, and acts done in pursuance thereof, shall be, and the same are hereby ratified and adopted by the people of the State of Arkansas, and declared to be in full force and effect within this state.

SEC. 2. *Be it fmrther ordained*, That the following named persons, to-wit: —— ——, —— ——, —— ——, —— ——, and —— ——, shall be, and they are hereby constitute d and appointed tbe deputies of Arkansas, to the Provisional Congress of the Confederate States of America, with all the powers and authority vested in the deputies of other states in said congress; *Provided, however*, That the powers herein conferred upon the said —— ——, —— ——, —— ——, —— ——, and —— ——, shall not be so construed to authorize them to cede to said Confederate States of America any lands within the limits of said State of Arkansas.

SEC. 3. *Be it further ordained*, That it shall be the duty of the secretary of this convention to furnish said deputies with a copy of the ordinance passed on the 6th day of May, A. D. 1861, by this convention, dissolving the political connection between the State of Arkansas and the government of the United States of America, and also a copy of this ordinance, which said copies shall be signed by the president, and attested by the secretary of this convention.

Mr. Totten, of Arkansas, offered the following amendment as an additional section:

Be it further ordained, That this ordinance take effect and be in force within the limits of, and over the State of Arkansas as soon as the Congress of the Confederate States of America shall admit this state into the confederacy thereof, upon terms of equality with the other states thereof.

Which amendment was adopted.

The provisional constitution of the Confederate States was then read for information.

Mr. Flanagin moved to amend the second section of said ordinance by striking out the words, "the following named persons, to-wit," and inserting in lieu thereof the words "five delegates."

Which amendment was accepted.

Mr. Totten of Prairie, moved to amend by adding to the second section the following:

"Other than the lands connected with Fort Smith—at the city of Fort Smith; the lands connected with the arsenal, at the city of Little Rock, and the lands connected with the hospital, at the city of Napoleon."

Mr. Patterson offered the following as a substitute for the proposed amendment:

"Except such property and places within the State of Arkansas, as in the judgment of said deputies may be necessary for the erection of buildings and other works for national defense."

After some discussion, Mr. Totten withdrew his proposed amendment.

Mr. Thomason moved to amend by striking out the proviso in the second section.

Mr. Yell moved to amend the amendment by inserting in lieu of said proviso, the following:

"So far as necessary to constitute this state one of the Confederate States, on an equality with the other states of said Confederacy."

Mr. Gould called for a division of the question, and Mr. President stated the question to be the amendment of Mr. Thomason, to strike out the proviso in the second section, which amendment was adopted.

Mr. Flanagin offered the following as a substitute for the amendment proposed by Mr. Yell:

"Insert after the word 'vested,' in said second section, the words 'in delegates by virtue of the provisional constitution of the Confederate States."

Mr. Hanly moved to lay the amendment and the substitute upon the table—which motion prevailed.

Mr. Kennard moved to amend the second section of said ordinance, by adding after the words "five delegates," in the second section the words—"to be elected by this convention."

Which amendment was adopted.

Mr. Smith also moved to amend the first section by inserting after the words "and acts done in pursuance thereof," the words "not locally inapplicable," which was accepted by Mr. Grace, the chairman of the committee that reported the ordinance.

There being no further amendments, Mr. President stated the question to be on the adoption of the ordinance as amended.

Upon which Mr. Fishback called for the yeas and nays, which call was sustained, ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bradley, Bush, Bussey, Carrigan, Clingman, Cryer, Cypert, Cochran, Desha, Dodson, Dollarhide, Echols, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Laughinghouse, Mansfield, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Walker, Wallace Watkins, and Yell—63.

NAYS—Messrs. Bolinger Campbell, Dinsmore, Gunter, Fishback, Murphy, Turner and Mr. President—8.

Mr. Dinsmore asked and obtained leave to spread upon the journals the following explanation of his vote.

"Whilst I and my constituents are perfectly willing to enter into an alliance with the Confederate States, for purposes of mutual protection and defence of southern rights, yet, in defence of what I conceive to be the *right of the people* to have a voice in the adoption of *any constitution*, I therefore vote in the negative.

Mr. President also stated that he voted under what he understood to be instructions from his constituents.

So the ordinance as amended, was adopted.

Mr. Kelly gave the following notice:

I give notice that I will on to-morrow, or soon thereafter introduce a resolution or ordinance providing for the holding of an election allowing the people to vote upon the adoption of the permanent constitution of the Southern Confederacy.

Mr. Laughinghouse introduced the following

RESOLUTION:

Resolved, That the president of this convention, do at once appoint a committee of three delegates, members of this convention, to enquire of and report to this body the name of some suitable and discreet person to be sent by order of this convention into the Indian country on our western border, to confer with such Indians, and counteract any influences which may be used with or amongst such Indians, prejudicial to the interest of the people of this state.

Which was adopted, and Mr. President appointed Messrs. Griffith, Murphy and Laughinghouse, such committee.

Mr. Totten, of Arkansas, offered the following

RESOLUTION:

Resolved, That this convention do now proceed to the election of five delegates, to represent the State of Arkansas in the Congress of the Confederate States of America, and that said delegates, when elected, be commissioned by the president of convention.

Mr. Fuller moved to amend by adding, "and that such vote be taken by ballot."

Mr. Patterson of Jackson, moved to lay the amendment on the table, whereupon, Mr. Fuller withdrew it.

Mr. Fishback renewed the motion to amend by taking the vote by ballot.

Mr. Hill moved to lay the amendment on the table, which motion prevailed on division.

Mr. Turner moved that each delegate be elected by separate ballot.

Which motion did not prevail, and on motion of Mr. Gould, the ballot was ordered to be taken for the five delegates together.

Mr. Garland of Hempstead moved that a committee of two be appointed by the president to act as tellers, which prevailed, and Mr. President appointed Messrs. Garland of Hempstead and Hanly, such committee.

Mr. President then announced that nominations would be in order; whereupon,

Mr. Hill nominated Hon. Robert W. Johnson, of Jefferson county.

Mr. Dinsmore nominated Hon. A. H. Garland, of Pulaski county.

Mr. Stillwell nominated Hon. W. W. Watkins, of Carroll county.

Mr. Echols nominated Hon. C. W. Adams, of Phillips county.

Mr. Turner nominated Hon. A. Rust, of Pulaski county.

Mr. Kennard nominated Hon. H. F. Thomason, of Crawford county.

Mr. Crenshaw nominated Hon. T. C. Hindman, of Phillips county.

Mr. Smoote nominated Hon. E. W. Gantt, of Hempstead county.

Mr. Flanagin nominated Hon. T. B. Hanly, of Phillips county.

Mr. Cypert nominated Hon. A. Pike, of Pulaski county.

Mr. Hobbs nominated Hon. E. A. Warren of Ouachita county.

Mr. Dollarhide nominated Hon. H. Flanagin, of Clark county.

Mr. Desha nominated Hon. G. W. Lemoyne of Yell county.

Mr. Kelley nominated Hon. J. N. Smith, of Saline county.

Mr. Gould nominated Hon. J. R. Hampton, of Calhoun county.

Mr. Hobson nominated Hon. C. B. Mitchell, of Hempstead county.

Mr. Austin nominated Hon. F. I Batson, of Johnson county.

Mr. Clingman nominated Hon. W. K. Sebastian, of Phillips county.

Mr. Robinson nominated Hon. W. K. Patterson of Jackson county.

There being no other nominations the ballot was taken and it appeared that Mr. Johnson received 41 votes.

Mr. Garland received 52 votes.
" Watkins received 23 votes.
" Adams received 19 votes.
" Rust received 35 votes.
" Thomason received 43 votes.
" Hindman received 26 votes.
" Gantt received 24 votes.
" Hanly received 10 votes.
" Pike received 5 votes.
" Warren received 6 votes.
" Flanagin received 11 votes.
" Lemoyne received 6 votes.
" Smith received 10 votes.
" Hampton received 2 votes.
" Mitchell received 13 votes.
" Batson received 8 votes.
" Sebastian received 4 votes.
" Patterson received 3 votes.
" George C. Watkins received 1 vote.
" Ringo received 1 vote.
" Jilson P. Johnson received 1 vote
" Bradley received 2 votes.
" B. C. Totten received 1 vote.
" Yell received 1 vote.
" Desha received 1 vote.
" Hobson received 1 vote.

Necessary to a choice, 36 votes.

It appearing that Messrs. Johnson, Garland and Thomason, had received a majority of all the votes cast, Mr. President announced that they were duly elected as three of the delegates.

Mr. President stated that there were two more delegates to elect, and ordered the ballot to be again taken, which was done with the following result:

Mr.	Watkins	received	24	votes.
"	Adams	"	11	"
"	Rust	"	37	"
"	Hindman	"	17	"
"	Gantt	"	21	"
"	Hanly	"	5	"
"	Pike	"	1	"
"	Flanagin	"	4	"
"	Lemoyne	"	2	"
"	Mitchell	"	4	"
"	Batson	"	4	"
"	Patterson	"	2	"
"	Smith	"	2	"
"	J. H. Patterson	"	1	"
"	Hampton	"	1	"
"	Hobson	"	1	"
"	Desha	"	1	"

It appearing that Hon. Albert Rust had received a majority of all the votes cast, Mr. President announced that he was duly elected one of said delegates.

Mr. President then stated that the ballot would again be taken for the fifth and last of said delegates.

Whereupon, Mr. Austin withdrew the name of Mr. Batson.

Mr. Dollarhide withdrew the name of Mr. Flanagin.
" Flanagin " " " " " Hanly.
" Hobson " " " " " Mitchell.
" Clingman " " " " " Sebastian.
" Desha " " " " " Lemoyne.
" Gould " " " " " Hampton.
" Echols " " " " " Adams.

On the third ballot Mr. Watkins received 36 votes.

Mr. Hindman received 13 votes.
" Gantt " 19 "
" Smith " 1 vote.
" Adams " 1 "
" J. H. Patterson received 1 vote.

It appearing that Mr. Watkins had received a majority of all the votes cast, Mr. President announced that he was duly elected one of said five delegates.

On motion of Mr. Johnson, Mr. President was requested to telegraph the adoption of the ordinance, and the election of said delegates, to his excellency Jeff Davis, President of the Confederate States, which was accordingly done.

Mr. Griffith offered the following

RESOLUTION:

Resolved, That any permanent officer of this convention, who has come to attend the called session thereof, be allowed the same mileage that the members from his county are entitled to.

Which was adopted.

On motion of Mr. Yell, secrecy was removed as to the passage of the ordinance and the election of delegates.

On motion of Mr. Totten of Prairie, the convention adjourned until to-morrow morning 9 o'clock.

DAVID WALKER,
President.

* * *

SATURDAY, *May* 11*th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bradley, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Echols, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Garland of Pulaski, Gould, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins Yell and Mr. President—65.

Mr. Flanagin asked and obtained leave of absence for Mr. Bussey on account of indisposition.

Mr. Floyd asked and obtained leave of absence for Mr. Laughinghouse, for the same cause.

Mr. Flanagin also obtained leave of absence for Mr. Tatum.

Upon motion of Mr. Floyd, the reading of the journals of yesterday was suspended with for the present, and the special order for the day being the consideration of the ordinance, entitled "an ordinance to prevent giving aid and comfort to the enemy," was postponed until Monday morning, 9 o'clock.

On leave, Mr. Dinsmore introduced the following ordinance:

ORDINANCE No. 18.

An Ordinance *for the raising and equipping a military force in the north-west for the immediate protection of that frontier.*

Whereas, Our north-western frontier is threatened with immediate invasion by the forces of the United States.

Section 1. *Be it therefore ordained by the people of Arkansas now in convention assembled*, That there be elected forthwith one brigadier general for the western division of the state, who shall constitute one of such officers as may be elected by this convention for the army of this state, and subject to any military board as may hereafter be organized, and to his superior officers; and that the president of this convention is hereby authorized to issue a commission to said officer in the name of the State of Arkansas.

2. *Be it further ordained*, That such brigadier general shall proceed at once to organize as hastily and perfectly as possible, the volunteer forces of the western portion of our state, and put the same under drill, subject to be called ont at such times as necessity may require, and all military operations of the western frontier are hereby made subject to the authority of said officer until a permanent system is adopted.

3. *Be it further ordained*, That such officer shall not muster into the service such military force without the order of such military board as may hereafter be organized, or other competent authority, except in case of actual emergency, in which event, he may place on active service such force as he may deem urgently necessary, and report the same forthwith to military board or other proper officer, with the facts in the case, with the number and kind of troops, etc., etc.

4. *Be it further ordained*, That ——— stand of arms out of such arms as may be at the command of the State of Arkansas, with all accoutrements and munitions, etc., necessary, and that two complete batteries of artillery, (six pieces each,) with all the necessary accompaniments, be immediately placed at the command of such brigadier general for the earliest possible transportation to that frontier, and the governor or officer in charge be, and is hereby requiree to deliver the same, taking receipts therefor; and that the commissary officer turn over to said brigadier general, on requisition from him, such subsistence stores as may be necessary for the present emergency, out of any supplies now on hnnd at the arsenal, not otherwise appropriated, taking receipts therefor.

5. *Be it further ordained*, That ——— thousand dollars be, and is hereby appropriated, out of any money that may be in the treasury not otherwise appropriated, for the purpose of defraying all necessary expenses of such military operations on that frontier; and the state treasurer is hereby ordered to turn over such moneys on the warrant of the president of this convention to such brigadier general, who shall make a faithful report of all expenditures, with vouchers therefor, to military board, or other competent authority.

Which was read.

Mr. Adams of Phillips, offered the following as a substitute for the ordinance:

Resolved, That the President of the Confederate States of America, be, and he is hereby requested to cause to be formed a military department or division, to be composed of the State of Arkansas and the Indian country in our western border, and to appoint at once a general officer for the same.

Which was read, and Mr. Floyd moved to lay it upon the table.

At the suggestion of Mr. Yell, and leave being obtained, Mr. Dinsmore withdrew his ordinance, and Mr. Yell from the committee on military affairs, made the following

REPORT:

Mr. PRESIDENT—

The committee on military affairs have had under consideration the subject of establishing a military board for the State of Arkansas, and have directed me to report an ordinance for the permanent organization thereof, and to recommend its adoption, which is here accordingly done.

YELL, *Chairman.*

Mr. Yell then introduced

ORDINANCE No. 20.

To create a Military Board for the State of Arkansas.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled,* That by this ordinace there shall be created an executive military board, to consist of the governor and two advisers, citizens of this state, to be elected by this convention, whose duty it shall be to act and consult together in all matters appertaining to the general military defence of the state. Said advisers to receive the sum of five dollars per day, while actually employed in such service.

SEC. 2. The board shall employ a competent secretary, who shall keep a true and perfect record of all the proceedings of the board, and of all the expenses of the military department of the state, and the secretary of the board shall keep his office at Little Rock, and shall be paid such compensation as the military board shall allow him and order to be paid out of the state treasury. The meetings of said board shall be held at Little Rock, unless otherwise specially ordered.

SEC. 3. Said military board shall have full power to call out the militia and volunteer forces of the state to the extent necessary for its protection and security; and to draw orders on the auditor, to be paid by the treasurer, out of such moneys as may be appropriated for military purposes; to manage and control the forts, arms and munitions of war, belonging to, or in possession of the state, either by original right or confiscation, and any and all property belonging now, or hereafter to the military department of this government. They shall have power to put on foot all military expeditions necessary, in their opinion, and as circumstances and necessity may reqkire, subject to the provisions of such laws or ordinances as may be hereafter passed or enacted by this convention, or the General Assembly of this state; and in all things, take charge of, and be responsible for the safety and protection of Arkansas, until such time as the authority of the confederate government shall be extended over it; after which, it shall act in aid of, and auxiliary to said confederate authority.

Sec. 4. The board may order the trial of general officers by courts martial, when charges of a character warranting it shall be preferred against them—said court shall consist of from five to nine officers of the highest rank that can be assembled for that purpose, without manifest injury to the service. The court shall keep a record of its proceedings, which shall be laid before the board for final action. All the militia officers, whether in service or not, are hereby made subordinate to this board.

Sec. 5. The board shall be governed, in all things, by the rules and articles of war and laws, as they now exist in the government of the Confederate States, and the laws of the state of Arkansas, where their duties are not specified in this ordinance; but all laws, of every kind and description, inconsistent and in conflict with this ordinance, are hereby made null and void.

Sec. 6. The governor shall be the presiding officer of the meetings of said board, and in all matters by this ordinance entrusted to them, a majority of the board shall rule; and in case of vacancy, by death, resignation or otherwise, the governor and remaining adviser shall take to their assistance the auditor of this state, and by a majority vote, elect a successor.

Sec. 7. The sum of two millions of dollars be, and the same is hereby appropriated for military purposes, to be paid by the treasurer of the state, out of any moneys now in the treasury, or any moneys that may come into the treasury, not now specially appropriated for other purposes.

Sec. 8. This convention places at the command of said board thirty thousand men, for war, and if necessary, the whole military force of the State.

Sec. 6. This ordinance shall take effect and be in force from and after its passage.

Which was read.

Mr. Yell, at the same time, made the following

REPORT:

Mr. President—

The committee on millitary affairs have had under consideration the subject of establishing an efficient military corps and permanent officers for said corps, and have concluded that said corps ought to be established, and for that purpose have directed me to report the following ordinance and recommend its adoption.

YELL, *Chairman.*

Which was received with the accompanying

ORDINANCE No. 20½.

For purposes of defence and raising a volunteer corps for the State of Arkansas.

SECTION 1. *Be it ordained by the people of Arkansas in convention assembled,* That there shall be one major general of the army of Arkansas, and no more, who shall have command of said army, or any portions thereof when called into the field on active duty, and he may, at his discretion, call any subordinate officer into service when necessary, with such troops; and there shall be two brigadier generals of said army, who shall have such commands, subject to the authority of the major general, as shall be assigned them by the military board. The office of major general shall be, and the same is hereby conferred upon ——— of the county of ———; and the office of brigadier general, with rank in the order of appointment, shall be, and the same is hereby conferred on ———, of the county of ———; and on ———, of the county of ———; but the board may appoint other brigadier generals, from time to time, by unanimous vote; the board shall also fill all vacancies in the above offices occasioned by death or resignation. In active service, the general officers may call to their assistance such aids de camp as the exigencies of the service may require of general officers.

SEC. 2. *Be it further ordained,* That the general officers and colonels of the army of Arkansas, shall severally be entitled to appoint such staff officers as may be appointed by officers of the same rank in the army of the Confederate States of America, or as at present allowed to United States officers of like rank, and to remove them at will; field officers of regiments and the officers of the line, shall be chosen as the military board shall prescribe; captains of companies shall be entitled to appoint the non-commissioned officers thereof, and to remove them at will. The general officers appointed by this convention, shall be commissioned by the president thereof; other general officers, together with field officers, and officers of the line, shall be commissioned by the governor on recommendation of the board; staff officers shall be commissioned by the officers who may appoint them.

SEC. 3. Any general or field officer, against whom charges of inefficiency or unmilitary conduct shall be preferred, shall be tried by a court martial, ordered by the military board, and the proceedings of such court shall be returned to the board for its final action thereon. Any officer of the line, against whom charges of inefficiency or unmilitary conduct shall be preferred shall be tried by a court martial, ordered by the colonel of his regiment, to whom the proceedings of such court shall be returned for his final action thereon, except in cases of dismissal, when the whole proceedings shall be laid before the board for final action. All trials by court martials shall be conducted in accordance with, and governed by the rules and articles of war that may be adopted by the Confederate States.

SEC. 4. *Be it further ordained*, That the pay of the officers and soldiers of the army of the State of Arkansas, when called into the actual service of the state by the military board, shall be the same as in the army of the Confederate States of America.

SEC. 5. *Be it further ordained*, That the army of Arkansas shall be composed of volunteers from among the militia, who shall be called for by the military board, from time to time, and shall serve for and during such term as shall be prescribed in the call; but when necessary, the militia may be drafted by the board for such service.

SEC. 6. *Be it fuather ordained*, That the militia of this state shall consist of all able bodied free white male inhabitants, having a residence of ten days therein, between the ages of eighteen and forty-five years; but in case of insurrection or invasion, or when the danger thereof shall be imminent, all able bodied free white male inhabitants between the ages of sixteen and sixty years shall be of the militia. No person liable and subject to military duty shall be exempted therefrom, except such as are now exempt by the laws of this state.

SEC. 7. *Be it further ordained*, That whenever the President of the Confederate States of America, pursuant to the constitution and laws thereof, shall call for volunteers from this state, for the service of said Confederate States, the military board shall forthwith call for and accept a suitable number of volunteers for such service, by companies, regiments or brigades, as the case may be, from the army of Arkansas. If a sufficient number thereof shall not volunteer for such service, the board shall call for and accept such number as may be wanting from among the militia; and if a sufficient number of the militia shall not volunteer for such service, the deficiency may be drafted by the board, either from the army of Arkansas or from the militia, or from both. The board shall provide for the proper organization of such force, and shall place the same under the order of the President of said Confederate States for and during the term prescribed by law.

SEC. 8. *Be it further ordained*, That for and during the term of the actual service, in time of war, of any inhabitant of this state in the army thereof, or in the army of the Confederate States of America, and during twelve months next after the expiration of such service, no civil suit or proceeding shall be commenced or carried on against such person in any of the courts within this state; but such period of exemption shall not be computed in limitation of rights of action against any such person; and for and during the same period, the real estate of such person, not exceeding one hundred and sixty acres of land in quantity, shall be exempt from any and all taxation.

SEC. 9. *Be it further ordained*, That if any inhabitant of this state, being the head of a family, shall, in time of war, be in the actual service of this state, in the army thereof, and shall, while in such service, in the line of his duty, die, or incur any permanent disability, he, or in case of his death, his widow, or his children, as the case may be, shall be entitled to receive out of the state treasury, five years' full pay, at the same rate of compensation to which he was entitled while in such service.

SEC. 10. *Be it further ordained*, That all laws of this state conflicting with any regulation which may be made by the military board, pursuant to this ordinance, shall be and the same are hereby repealed.

SEC. 11. *Be it further ordained*, That this ordinance take effect and be in force from and after its passage.

Which was read.

Mr. Gould offered as a substitute for ordinance No. 20½,

ORDINANCE No. 21,

To establish a Military Board for the State of Arkansas.

SECTION 1. *Be it ordained by the people of Arkansas in convention assembled*, That there be a military board established, consisting of three suitable persons, to be chosen by this convention, to act in conjunction with the governor of this state, touching all military matters necessary for its defence and safety, for and during the present existing state of war, or until the same be dissolved by this convention or the state legislature; the members whereof shall receive a salary at the rate of —— dollars per annum, payable quarterly out of any money in the treasury not otherwise appropriated. Said board to remain at the seat of government, and they and the governor, each, for that purpose having one vote, shall elect a secretary, and remove him from office, if necessary, by a majority of all four votes, and he shall be paid an annual compensation of —— dollars, to be drawn out of the treasury as the salaries of other officers are, whose duty it shall be to keep a record of the proceedings of said board, and to record the vote of each member thereof—the governor included—upon all matters or questions which come before it, and report the same for the examination and inspection of the ensuing legislature, or the convention, if it should assemble again after the adjournment of the present session.

SEC. 2. *Be it further ordained*, That said military board, acting in conjunction with the governor, shall have full power to call out the militia and volunteer forces of the state to the extent necessary for its protection and security; and to draw an order on the auditor to be paid by the treasurer for such moneys as may be appropriated for military purposes; to manage and control the forts, arms, and munitions of war belonging to, or in possession of the state, either by original right or confiscation, and any and all property belonging now, or hereafter, to the military department of this government. They shall have power to plan and execute defences, and put on foot military expeditions necessary, in their opinion, and as circumstances and necessity may require; and in all things take charge of, and be responsible for the safety and protection of Arkansas, until such time as the anthority of the confederate government shall be extended over it, and state authority shall become subordinate to said confederate power, after which it shall act in aid of and auxiliary to said confederate authority.

SEC. 3. *Be it further ordained*, That the governor shall be, and it is intended hereby, that he remain, as under existing laws and the constitution, commander-in-chief of the army of this state, and make and execute orders with the qualifications hereinafter provided—as he does now touching said army—but he shall, in the future, submit to said board his plan of operations, in a military point of view, taking the advice and opinion of said board, by direct vote, to be recorded in a journal, kept as aforesaid, and if said board, the governor included, shall be equally divided, two for and two against a proposition, the vote cast by one member and the governor shall be of superior authority, and the question be so determined. That in case of death, protracted illness, or absence for a longer period than five days consecutively from the capitol, the said remaining member or members of said board, and the governor shall, by the united vote of all, select some other person to fill such vacancy, and if necessary, one after another shall be nominated until all shall agree to the nomination—the governor being privileged to make the first nomination. If said nomination is not confirmed, the other members to proceed as their names stand in alphabetical order, to make their nominations respectively, and so on, until the vacancy is filled—the member so chosen to receive the compensation above allowed, during the time which he serves, and the absence of any member, except for sickness, for a greater period than twenty days, shall vacate his seat permanently.

Which was read.

Discussion arising, Mr. Yell withdrew the ordinance No. 20½, accompanying the report.

Mr. Hanly moved that 100 copies of all ordinances touching upon the subject be printed for the use of the convention; which motion prevailed, and

Mr. Patterson, of Jackson, thereupon introduced

ORDINANCE No. 22,

SECTION 1. *Be it ordained by the people of Arkansas in convention assembled*, That the militia of the State of Arkansas shall be composed of ten regiments of infantry, two regiments of cavalry, and one regiment of artillery; each regiment of infantry to be composed of ten companies, each company not less than sixty-four, nor more than eighty men; each regiment of cavalry shall be composed of ten companies, each company of not less than sixty-four, nor more than ninety-six men, rank and file; and the artillery regiment shall contain ten companies, each company not less than ninety-six, nor more than one hundred and twenty men.

SEC. 2. The militia force thus composed shall be enlisted and enrolled for five years, and shall be levied from and apportioned among the regiments now organized under the present law, as the military board, hereafter provided for shall direct; *Provided*, No man shall be required to enlist in any company outside the county in which he may reside; *And provided further*, That in case any private or non-commissioned officer move from one county into another before his term expires it shall be the duty of his former captain to notify the officer commanding in the county to which he moves, and he shall then be required to do duty, unless he provide a substitute in the county from which he moved.

SEC. 3. The militia so provided shall compose one division, and shall be divided into two brigades by the military board, and shall be officered as follows: one major general who shall take command of the militia of the state when in actual service; two brigadier generals and one colonel, one lieutenant colonel, and one major for each regiment, and one captain, and one first, one second and one third lieutenant for each company; *Provided*, That in the artillery companies, if deemed necessary by the military board, there may be one first and two second and two third lieutenants.

4th. The major general, brigadier generals and colonels shall be elected each in succession by this convention and military board for the state, to be assembled at the call of the major general, or if his office be vacant, then the senior surviving officer, not oftener than once in every two years, unless for special reasons, any nine of whom shall constitute a quorum, the senior officer present shall be ex-officio chairman.

SEC. 5th. The military board so constituted have power and authority to make all needful rules and regulations not contrary to law, for the government and discipline of the militia, including articles of war, subject to the approval of this convention, or of the state legislature after this convention shall have finally adjourned.

They shall elect one lieutenant colonel, and one major for each regiment.

They shall organize and establish, whenever deemed necessary, a general commissary, quarter-master, medical and pay department, and shall select the officers thereof.

In addition to the militia so organized the military board may organized a corps of engineers, and as many companies of sappers and miners as they may deem expedient and necessary, and shall order and appoint the officers thereof; shall establish and constitute general regimental courts martial, possessing the powers necessary to compel observance of militia duty and law by fine and imprisonment; *Provided*, That company courts martial shall have jurisdiction only of privates and non-commissioned officers. Regimental, of company officers and privates. General court martial, of all officers and offences against military law. Company, may fine any sum not over ten dollars. Regimental, any sum not more than fifty dollars, with power to reduce to the ranks. General court martial, any sum not more than one hundred dollars, with power to cashier or reduce to the ranks. Fines assessed by the courts martial shall have the same force and effect as judgments of the circuit court, and shall be collected by execution issued from the court to the sheriff of the county, and made returnable to the court at such time as they may appoint, and no stay or delivery bond shall be allowed. When in actual service, the militia shall be subject to the laws and regulations governing the regular army of the Confederate States; shall fix and determine the rank of all officers, prescribe the uniform, arms and equipments of the militia so organized; *Provided*, That volunteer companies now established shall for the present, if enrolled in the militia, be permitted to retain the uniforms they have adopted; shall in general have the control and regulation of the discipline and organization.

SEC. 6th. The company commissioned officers shall be elected by their respective companies, and the captains of each company shall appoint the non-commissioned officers thereof.

Sec. 7th. The staff of field officers shall be the same in the militia as they are now by law constituted in the army of the Confederate States, and the officers shall themselves select and appoint their own staff.

Sec. 8th. It shall be the duty of the captains of the different companies so formed, to drill his company twice each month on the first and third Saturdays, the drill to commence at 10 o'clock, and continue not less than three hours; *Provided*, That the colonels of the regiment shall order for the present and until the companies are in good training, four company drills each month, and shall order the captains of each company to divide it into four squads, each squad to be placed in charge of a commissioned officer, and be required to drill once per week.

Sec. 9th. Where a company shall be found greatly deficient in its drill, uniform or equipments, the colonel of the regiment shall cause the captain and commissioned officers to be reported to the regimental court martial as for neglect of duty, and the court, upon conviction, may fine them in any sum not over ten dollars, or reduce them to the ranks and order a new election; and officers reduced to the ranks by judgment of a court martial, shall, in no case, again hold office in the militia of this state, unless the judgment be reversed, or unless by permission of the court pronouncing it.

Sec. 10. Members of the enrolled militia shall be exempt from jury duty, except in criminal cases, from poll tax and from working roads, and shall receive pay for two drills in each month; infantry privates and non-commissioned officers forty cents per day; cavalry and artillery sixty cents per day. The captains of each company, or the officer in command thereof, shall on the 1st of May, in each year, return to the office of the auditor of public accounts, a full and correct muster roll of his company, sworn to before the presiding judge of the county court of his county by the commissioned officer thereof, together with a draft for the amount due under this ordinance, to his company; which shall be examined, and, if corresponding with the muster roll, the auditor of public accounts shall issue a warrant therefor upon the state treasurer, payable out of the fund herein provided.

Sec. 11. Every white male inhabitant of this state, over the age of eighteen years, not a member of the enrolled militia, shall pay a poll tax of two dollars per head, and on every negro in the state, between the ages of sixteen and fifty, there shall be assessed and levied a poll tax of two dollars and fifty cents per head. And it shall be the duty of the assessor of taxes to swear each owner of negroes as to the age and number of his slaves. Which tax shall be assessed, collected and paid into the state treasury by the different sheriffs, as other revenue is now assessed, collected and paid in, and the sheriffs shall be allowed 2½ per cent. thereon, for collection. And the clerk shall be required to carry out in a separate column the tax provided for in this bill.

Sec. 12. The revenue arising from the above tax shall be applied exclusively to the support and maintenance of the militia system herein provided; the surplus, if any there be, shall be applied to the purchase of arms and amunition for the state, and in providing depots therefor.

Sec. 13. Each county shall provide an armory for the deposit of the arms issued to the companies organized therein, which armory shall be located at the county seat, or principal town in said county, and placed in charge of the company or companies therein formed, subject to the inspection of the county court, or the presiding judge thereof. And it shall be the duty of said court, twice each year, to inspect said armory and report its condition to the commmanding officer of the regiment.

Sec. 14. The commissioned officers of each company shall execute to the state, a good and sufficient bond, with security, to be approved by the presiding judge of the county court, in double the value of the arms issued to the company, conditioned that they will safely keep and return said arms in good order, when called for by the state, which bond shall be filed in the office of the auditor of public accounts.

Sec. 15. It shall be the duty of the military board, as soon as organized, to call upon the governor for a detailed statement of all the arms now belonging to or in the possession of the state, their condition, and the place where kept, or if issued, companies in whose hands they now are; to call in said arms, and issue them, as far as they may go, to companies organized under this ordinance; *Provided*, That where arms may have been issued to volunteer companies heretofore formed, which shall enroll themselves in the militia herein provided, they may be allowed to retain them, in the discretion of the board, upon executing and filing in the auditor's office the bond hereinbefore provided.

Sec. 16. The commissioned and non-commissioned officers and privates enlisted under this ordinance, shall, when called into actual service, receive the same pay as is allowed by law to the same grade in the army of the Confederate States.

Sec. 17. In case of war, all calls and drafts for men upon the state shall be first drawn from the militia enrolled as herein provided; which drafts shall always be by whole companies, squadrons, battalions or regiments, and no draft shall be drawn upon any portion of the militia for less than one whole company. All vacancies caused by drafts thus levied upon the militia, shall be immediately filled from the body of the county; and whenever a regiment shall be called into service, the military board shall at once elect a colonel, lieutenant-colonel, and major, and organize, as speedily as possible, one to fill its place; *Provided.* Recruits thus added, shall not be drafted into actual service until the original line is exhausted. Recruits thus added shall be allowed the same pay and the same exemptions as the original line.

Sec. 18. At the end of every fourth year the major general shall issue an order to the officers commanding regiments, requiring them to enlist a new line to replace that going out; whereupon, the commanding officer of each regiment shall require the company commissioned officers at once to enlist from the body of the county the necessary compliment of men to fill the places of those whose term is expiring, in such manner as the military board shall prescribe; *Provided*, That the same officers shall be continued and hold office in the new line as they did in the old, and there shall be no new elections, except to fill vacancies caused by death, resignation or forfeiture. All vacancies caused in the ranks of any company, shall be immediately refilled by enlistment, in such manner as the military board shall prescribe; *Provided*, That no one shall enlist for a shorter time than the full term of five years. Militia ordered into service under the provisions of section 17, and serving in actual service six months, shall be discharged, and the recruits enlisted as therein provided, shall take their place in the line of enrolled militia. Where the service shall be less than six months, they shall be continued, and the recruits discharged, unless the military board shall, from the character of the service performed, consider them entitled to be discharged.

Sec. 19. All officers constituted by this ordinance, except staff and non-commissioned officers, shall hold office during life or good behavior, subject to be forfeited if they remove from the county wherein the company to which they belong is organized, or from their regimental or brigade district. No person shall be eligible to any office hereby created who is not a citizen of this state, and over the age of eighteen years, unless by special act of the state legislature.

Sec. 20. All vacancies in the office of major general, brigadier general, colonel, lieutenant colonel, or major, shall be filled by the military board. In all others, they shall be supplied as originally filled.

Sec. 21. All money paid to the militia by virtue of this ordinance, shall be paid out of the military fund herein provided; *Provided*, That when in actual service, they shall then be paid by appropriation therefor, and not from the militia fund, herein provided, in any case.

Sec. 22. The colonels, or officer in command of each regiment, shall, once a year, order an encampment for his regiment, for the purpose of regimental, battalion, or company drill, at which all shall attend, under such penalties as the military board may prescribe, to be assessed and collected by the proper courts martial, and shall receive the same pay, while thereon, per day, as is above allowed; *Provided*, That if in distributing and apportioning the militia through the state, any regiment should be so scattered and dispersed as to render it very difficult and expensive to assemble by regiment, the military board may order therefor battalion encampments, or in case of cavalry, where very much separated, squadron encampments; *And provided further*, That the military board may permit the artillery, where and when deemed expedient, to encamp by companies. Such encampment drills to continue six days, commencing always on Monday, with two days allowed for going to, and returning from, the place of meeting. Regimental courts martial shall be held on encampment drill, the general courts martial during the meeting of the military board, unless special reasons should demand them oftener, when they may be called by the officer commanding the division or brigade.

SEC. 23. All laws and parts of laws in conflict with this ordinance are hereby repealed and declared void.

SEC. 24. So much of chapter 113, Gould's Digest, as relates to volunteers, is excepted from the operation of section 23 of this ordinance; but companies, battalions, and regiments organized thereunder, are hereby declared wholly independent of, and distinct from, the militia herein provided, except when in actual service, when they shall be subject to the same laws, and commanded by the general officers of the milita, and so much of section 59, Gould's Digest, chapter 113, as provides the contrary, is hereby repealed.

SEC. 25. The legislature of the state may, whenever it shall be deemed expedient, increase the militia force herein provided, but shall in no case, except by a vote of three-fourths of the whole number of members in each house, decrease or abolish the militia so provided. They shall in no case alter or amend, except by the vote of two-thirds of each house any part of this ordinance, unless upon the recommendation of the military board.

SEC. 26. All fines assessed and collected by company courts martial shall be retained for the company, and appropriated to such ends, consistent with its object, as a military company, as it may deem proper. Fines assessed and collected by division, brigade, and regimental courts martial shall be paid into the military fund.

SEC. 27. The members of the military board shall be allowed the same pay as may be allowed by law to members of the state legislature, together with the same mileage in going to and returning from the place of meeting, to be paid out of the military fund.

SEC. 28. The militia herein organized and provided, shall be held and returned to the army of the state, and shall hold themselves in readiness to march at the command of the major general or commanding officer at all times, to repel invasion or repress insurrection. They shall moreover constitute the posse comitatus of the county to assist the sheriff in enforcing the laws of the state and preserving peace. Wherever the sheriff may need the assistance of the militia for the purposes above provided, he shall notify the officer commanding the company thereof, together with the number of men necessary, and it shall be his duty at once to order them out and place them under a commissioned officer, subject to the orders of the sheriff. The militia, so ordered out, shall receive the same pay as if in actual service, to be paid from the general revenue, and not the military fund; *Provided*, They shall not be required to leave the state, except by vote of two-thirds of the state legislature.

SEC. 29. No person under the age of eighteen or over forty, shall be required to enlist in the militia so provided, but a person once enlisted shall not be discharged before his term of service expires, by reason of his being over the age of forty. No person not a citizen of this state shall be permitted to serve in the militia thereof.

SEC. 30. Enlistments may be by volunteering, but when that shall fail they shall be drafted in such manner as the military board shall direct.

SEC. 31. The regimental districts shall be composed as follows:

1. Infantry of the counties of
2. Infantry “ “
3. Infantry “ “
4. Infantry “ “
5. Infantry “ “
6. Infantry “ “
7. Infantry “ “
8. Infantry “ “
9. Infantry “ “
10. Infantry “ “
1. Cavalry “ “
2. Cavalry “ “

The artillery regiment shall be divided through the state as the military board may order.

SEC. 32. The militia shall be under the control and subject to the orders of the major general, who shall, at each regimental encampment, appoint some competent inspector to inspect and report the condition of the arms, equipments, organization and drill of each regiment.

Which was received.

Mr. Gould also introduced

ORDINANCE No. 23.

To amend chapter 113 *of the Laws of Arkansas.*

Be it ordained by the people of Arkansas, in convention assembled, That the governor shall be commander-in-chief of the military of this state for the time being, and shall have and exercise such power and authority as may be necessary to call into actual service the military of the state, or such number thereof as may be called for by the proper authorities of the Confederate States.

2. No company of volunteers shall consist of less than —— nor more than —— non-commissioned officers and privates, nor shall any battallion of volunteers consist of less than ——, nor more than —— companies.

3. That in the organization of volunteer companies, the judge of the county court may, in the absence of the colonel of said county, fix the time and place of holding the first election for company officers, upon whose certificate commissions shall issue.

4. Whenever it shall become necessary to call out volunteers for the defence of the state, or in response to a call from the authorities of the Confederate States, the governor shall direct that a sufficient number of volunteer companies assemble, at a time and place to be by him designated, for the formation of a battalion, regiment or regiments, as the case may be, and when so assembled, an election shall be held for battallion and regimental officers, by direction of the governor. The regimental officers to be elected by the commissioned officers of companies.

5. For the purpose of organization, the governor is authorized to constitute regiments out of such volunteer companies as may tender their services to the state, in advance of a call into service, by directing an election to be held for regimental officers at a time and place to be by him designated.

6. The governor may issue commissions to officers of volunteer companies, though the election for such officers may have been irregular, if, in his opinion, it will serve the public good.

7. Volunteer regiments shall be designated by numbers, and shall be styled "The Arkansas Volunteers."

8. The returns of elections for regimental officers, held by virtue of this ordinance, shall be made to the governor, by the person or persons appointed by the governor to conduct the same, upon the receipt of which returns, the governor shall issue cemmissions to the persons elected.

9. Each colonel commandant of a regiment of volunteers may appoint the staff officers of his regiment, as is provided for the appointment of similar officers by colonels of the militia. Commissaries of regiments shall be appointed by the governor.

10. In the event that any regiment of volunteers shall be raised by any citizen of this state, who shall equip the same for active service, except furnishing arms, the governor shall issue a commission to such person as colonel of such regiment; the other regimental officers to be elected in accordance with this ordinance.

11. In the event of volunteers being called out by companies, battalions or regiments, for active service, by an officer authorized to call out the same, a commission to the company or regimental officers may be issued to such officers by a brigadier general, until commissions can be issued by the governor.

Which was also received, and the consideration of said ordinances was postponed for the present.

Mr. Dinsmore then renewed ordinance No. 18.

Mr. Floyd moved to amend by filling up the blank in the fourth section by inserting after the ordaining clause, "3,000 stand of arms to be selected by the brigadier general hereafter to be elected by this convention."

Mr. Johnson, from a select committee, reported verbally that said committee had examined the arms at the arsenal, and that there was about 4,500 stand of small arms, and about fifteen pieces of artillery in said arsenal, with all the accoutrements and munitions necessary, and that said committee recommended no alteration to be made in said arms.

Which was received.

Mr. Kennard then offered as a substitute for the amendment of Mr. Floyd, the following:

2,500 stand of arms out of such as may be in charge of the state authorities, to be selected by the special committee heretofore appointed to examine the arms in the arsenal at Little Rock, together with all accoutrements, munitions, etc., deemed necessary by said committee, and also one complete battery consisting of six pieces of artillerry, with all necessary accompaniments, be immediately placed, etc.

Which was accepted by Mr. Floyd, and adopted.

On motion of Mr. Desha, Mr. Yell was added to such select committee.

On motion of Mr. Adams of Phillips, leave of absence was granted to Mr. Echols for the space of six days.

Mr. Mayo proposed the following amendment:

Said officer to be out ranked by any general officer who may be appointed by the Confederate States.

Which was accepted.

Mr. Robinson moved to amend by adding:

Two organizations, one for the north-east and one for the north-west of the state, both organizations to be placed on the same footing and on the plan proposed.

Mr. Kennard moved to lay the amendment on the table, which motion prevailed on division.

Mr. Fishback offered the following amendment:

Provided, That this ordinance supersede any arrangements concerning the matters and things therein contained which may have been made by the governor, and that the governor recall all arms distributed through the state and not hereby appropriated.

Mr. Yell moved to lay the amendment on the table.

Whereupon, Mr. Fishback withdrew his amendment.

Mr. Adams of Phillips proposed to amend by adding:

"And one brigadier general for the north-eastern border of this state," and otherwise so as to correspond with this addition.

Mr. Yell moved to lay the proposed amendment on the table, which did not prevail.

Mr. President stated the question to be on the adoption of the amendment, which was adopted.

On motion of Mr. Dinsmore, the blank in the 5th section was filled by inserting "twenty thousand dollars, or ten thousand dollars for each brigadier general."

Mr. Gould moved to amend by inserting the word "first" in place of the word "western;" and by adding the words, "who shall rank any militia officer of said division," after the word "state" in the fourth line.

Which was accepted.

The ordinance as amended, was then adopted.

Mr. President laid before the convention the following communication:

EXECUTIVE OFFICE,
May 1hth, 1861.

HON. DAVID WALKER,
President of the State Convention:

SIR: As directed by he convention, the steamer Arago has been brought from Pine Bluff, and is now moored at this port under guard.

Upon examination, I find that two-thirds is owned by Geo. P. Sloane, her captain, the remainder by Benjamin Johnson. In an interview wita Capt. Sloane, he announced that although his family reside in Brownsville, Pennsylvania, yet that he was, and has been, for many years engaged in the southern trade, and is a southern man in feeling; that he he intends to bring his family immediately and settle in St. Louis.

The Arago is one of the line of boats built for, and is running in the St. Louis and Arkansas river trade. The other owner, Johnson, is a resident of Missouri, and Kentuckian by nativity.

Under these circumstances, I submit to your body whether it is not proper that the Arago should be released. Her entire cargo was taken on at St. Louis, and is consigned to various of our own citizens at different points on the Arkansas, except, say seventy-five tons, produce owned by Capt. Sloane individually. The freight for our own people, I have directed to be delivered, and that belonging to Sloane, I submit, ought to be released also, he paying the expense incurred by the state in fixing his status, and giving him a passport through our waters.

Respectfully submitted, with request for action as early as may be.

H. M. RECTOR,
Governor of Arkansas.

Which was received, and on motion of Mr. Griffith, the president was requested to instruct the governor to permit the steamer "Arago," to pass unconditionaly and immediately—which was accordingly done.

Mr. President, at the same time, presented the following communication from the president and directors of the Cairo and Fulton railroad company.

Office Cairo & Fulton R. R. Co.,
Little Rock, Ark., Wednesday evening, 4 p. m.
May 8th, 1861.

The board of directors met pursuant to adjournment of yesterday; and was called to order by the chairman.

Present.—Daniel Ringo, Vice President; Messrs. Geo. C. Watkins, Edw. Cross, Chas. B. Mitchel, Jas. L. Witherspoon, H. C. Dye, Geo. W. Hughes, H. C. Ashley and R. H. Johnson, *Directors.*

Mr. Watkins submitted the following memorial, which was unanimously adopted, and on motion, it was ordered that the same be signed by the directors and secretary, and that the chairman of the board of directors present a copy of the same to the president of the general convention, now in session.

MEMORIAL.

Office of the Cairo & Fulton R. R. Co.,
Little Rock, Ark., May 8th, 1861.

To the Convention:

Mr. President and Gentlemen—

The stockholders of the Cairo and Fulton railroad company, in ———— Arkansas, represented by their board of directors, now in session at Little Rock, would respectfully represent.

That in the present condition of our country, there is no immediate hope or prospect of our being able to construct any work of so much magnitude as the Cairo and Fulton railroad, nor under existing circumstances, and in view of events that seem inevitable, would it be the interest or policy of any company, or of the people of Arkansas to make the efforts necessary to carry on the enterprise.

The company has an undisputed title to 1,111,343 68-100 acres of land, granted for the purpose of constructing the road.

We believe, if judiciously managed and sold, said lands can be made to yield several millions of dollars.

The company owe for expense of perfecting their land grant, cost of an artistic and accurate survey and location of the line of road, for salaries of officers and other incidental expenses, for grading and other work done, for money borrowed and for instalments paid in on stock subscriptions by individuals and counties, not exceeding one hundred and seventy-five thousand dollars.

We believe that it is important to the welfare, prospects and strength of Arkansas that these lands should be offered for sale, so as to pass into private hands to actual settlers, to furnish homes to those who may be called upon to aid in the defence of our country.

We are convinced that the State of Arkansas does and will need all the avails and proceeds of these lands, as well as every other available source of revenue in providing for the defence and general welfare of the commonwealth.

At the same time it would be just and equitable, that the company should be placed in a condition to pay its liabilities contracted in good faith, and reimburse to those counties and individuals the moneys they have advanced in a liberal and public spirit, and with the hope of constructing the road.

We propose to your honorable body to relinquish to the state all of said land to be disposed of in such manner as the convention may direct, so as to constitute a separate fund, and upon the sole condition, that out of the first proceeds of the lands sold, the obligations of the company, including cash paid in on stock subscriptions and amounting as above stated to not exceeding one hundred and seventy-five thousand dollars, shall be paid off and discharged.

We are fully persuaded that after doing so, the state can realize over two millions of dollars from the sale of the lands.

We make this proposition with feelings of profound sorrow, that there should be any occasion for so great a sacrifice of a cherished enterprise, and we trust your honorable body will appreciate the patriotic spirit by which we are actuated.

It may be your pleasure to declare the proceeds arising from the sale of these lands a trust fund, to be held, accounted for, and appropriated by the state, to the same or some kindred work of internal improvement whenever more auspicious times may indicate the propriety of such a course.

Should this proposition be favorably entertained, we request a committee of conference to verify the details and accuracy of our statements, of which your honorable body may desire to be entirely satisfied.

We have the honor to be, very respectfully,

CHAS. B. MITCHEL,
HENRY C. ASHLEY,
GEO. C. WATKINS,
EDW. CROSS, Sr.
DANIEL RINGO,
HENRY C. DYE,
JAS. L. WITHERSPOON,
GEORGE W. HUGHES,
RICHARD H. JOHNSON.

Attest:
F. A. Starring, *Sec'y*.

Which, on motion of Mr. Thomason, was laid on the table for the time being.

On motion of Mr. Floyd, the convention then proceeded to the election of the two brigadier generals, provided for in the ordinance adopted this morning.

Nominations being in order for such officer for the 1st division, Mr. Dinsmore nominated Mr. N. B. Pearce.

There being no other nominations, Mr. Pearce was duly elected by acclamation.

Mr. Adams, of Phillips, nominated Mr. Thomas H. Bradley, for the second division—who was also duly elected by acclamation.

Mr. Hanly, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred the accompanying ordinance No. 12, have instructed me to report that they have had the same under consideration, and recommend the convention to pass the ordinance herewith tendered as a substitute.

All of which is respectfully submitted.

HANLY, *Chairman.*

ORDINANCE NO. 24.

An Ordinance *to authorize the levying a tax for Military and other purposes.*

Section 1. *Be it ordained by the people of the State of Arkansas in Convention assembled*, That the county court of any county in this state may levy and collect a tax on all objects of taxation for state purposes, for a military defence, and such other purposes as they may deem necessary for the protection of their respective counties; *Provided*, That said tax so assessed shall not, in any one year, exceed one fourth of one per centum on the assessed value of said property, and that such county courts may appropriate the internal improvement fund, and all other funds of their respective counties, except the school fund, for the purposes aforesaid.

Sec. 2. *Be it further ordained*, That, when any county court shall deem it expedient to levy any tax or appropriate any county fund for the purposes aforesaid, it shall be the duty of such county court, or the judge thereof, to direct the sheriff to notify each justice, in writing, by personal service, or by leaving a copy of such notice at the usual place of abode of such justice, that such tax will be levied and appropriation made at the next term of said court, and if such justices do not attend, then the justices that do attend may, by a vote of the majority, levy such tax and make such appropriations as aforesaid.

SEC. 3. *Be it further ordained*, That this ordinance be subject to repeal either in whole, or in part, by legislative enactment.

Which was read and the report received.

Mr. Carrigan moved to amend by saying, "that it shall require a majority of the justices of the county to be present when such tax is levied."

On motion of Mr. Gould, the amendment was laid on the table.

The question was then stated to be on the adoption of the ordinance, which was adopted.

Mr. Flanagin moved that the injunction of secrecy be removed from all business heretofore transacted, except as to Ordinance No. 15, entitled "an ordinance to prevent giving aid and comfort to the enemy."

Which motion did not prevail.

Mr. Fishback moved to adjourn until Monday morning 9 o'clock.

Which was lost.

On motion of Mr. Stillwell, secrecy as to the elections of brigadier generals, was removed.

On motion of Mr. Baber, the Convention took a recess until 3½ o'clock, p. m.

3½ O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Phillips, Baber, Batson, Bolinger, Bush, Bussey, Carrigan, Clingman, Crenshaw, Cryer, Cochran, Dinsmore, Dollarhide, Flanagin, Floyd, Fuller, Garland of Hempstead, Gould, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobson, Kelley, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Slemons, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, and Mr. President—50.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments would respectfully report that they have, on this day, compared the enrolled copies with the original of an ordinance entitled, an ordinance to adopt the *provisional constitution of the Confederate States of America*, and find the same correct.

SAMUEL L. GRIFFITH,
Chairman.

Which was received.

Leave of absence was granted to Mr. Fort, on account of indisposition.

Mr. Hanly introduced the following:

ORDINANCE No. 24,

Entitled an ordinance appropriating the domain, public lands and other property which belonged to the government of the United States, in this state, on the 6th day of May, A. D. 1861, *and for other purposes.*

1. *Be it ordained by the people of the State of Arkansas in convention assembled,* That the domain, public lands and other property which belonged to, and vested in the government of the United States, situate in this state, on the 6th day of May, A. D. 1861, be, and the same are hereby appropriated to the State of Arkansas, as the domain, public lands and property of said state, to be hereafter disposed of, applied and appropriated as the other domain, public lands and property of this state, hereby declaring that all the rights title and claim which heretofore vested in the said government of the United States of, in and to said domain, public lands and other property, now vests in and belong to the State of Arkansas, subject to be disposed of, as may be hereafter provided, by this convention or the General Assembly of this state, saving, however, those who may have acquired any rights under the laws heretofore existing.

2. *Be it further ordained*, That the deputies or delegates who who have heretofore been elected by this convention, to the provisional congress of Confederate States of America, be and they are hereby instructed and commissioned, and for that purpose, they are hereby clothed with full power and authority, to cede, convey or transfer to the government of the Confederate States of America, the following grounds, lands, and property, situate in the State of Arkansas, for the use and benefit of said Confederate States of America, that is to say: twenty acres, including the buildings, grounds and lands attached and belonging to the fort known as Fort Smith, in Sebastian county, and all the houses, building and appurtenances thereon situate; also the grounds and lands attached and belonging to the arsenal, situate in the city of Little Rock, and all the houses, buildings and appurtenances thereon situate; and also the grounds and lands attached and belonging to the hospital, in the city of Napoleon, in Desha county, and all the houses, buildings and appurtenances thereon situate; *Provided, however*, That said fort, arsenal and hospital shall be considered necessary or useful for national purposes; *And provided also*, That said government of the Confederate States of America shall receive and admit this state into the government of the Confederate States upon the same terms that all the other states have been received into said confederacy, and with all the powers, privileges and immunities belonging and pertaining to the same and each of them; *And provided also*, That the said fort, arsenal and hospital shall be continued to be used for public purposes and national objects; *And provided also*, That the said government of the Confederate States of America shall forever, and at all times receive into the said arsenal, and safely keep any and all state arms which may be there deposited, free of cost and expense to the state, and shall also receive and store into the magazine attached to said arsenal, any and all powder and munitions of war tendered for that purpose by this state without cost or expense.

3. *Be it further ordained*, That the deputies or delegates aforesaid be, and they are hereby limited and restricted in their powers as such deputies or delegates as far as may pertain to the power of cession in the name of this state, to the power of making cession of the above and before herein described grounds, lands and property, and none other whatever, and the power hereby conferred upon said deputies or delegates is confided to them to be exercised or not in ther discretion.

4. *Be it further ordained*, That if the deputies or delegates aforesaid shall think it expedient or proper, to cede to the government of the Confederate States of America the grounds, lands and property aforesaid, and the same are accepted by the said Confederate States, then, and in that event, the said gov-

ernment of the Confederate States of America shall exercise the same jurisdiction over the said grounds, lands and property so to be ceded, that the government of the United States of America had and held over the same under the acts of Congress of the United States and those of the General Assembly of this state.

Mr. Adams, of Phillips, moved to amend by striking out the 1st section of the ordinance; which motion did not prevail, and

On motion of Mr. Baber, the ordinance was adopted, and the secretary was instructed to furnish the deputies to the Confederate States with a copy.

Mr. Patterson, of Jackson, introduced

ORDINANCE No. 25,

Entitled an ordinance to suspend the public sale of the swamp lands in the Batesville district, and for other purposes.

Which was read; and on his motion, referred to the committee on landed interests.

Mr. Patterson, of Jackson, moved that his excellency, the governor, be allowed a seat within the bar of the convention during its secret sessions.

Mr. Grace moved to amend by rescinding the action of the convention heretofore had in regard to secresy; which amendment was accepted.

Mr. Smoote moved to strike out the amendment offered by Mr. Grace.

Mr. Cypert moved to postpone the question indefinitely; which was lost on division.

Mr. Fuller moved to lay the motion of Mr. Smoote on the table; whereupon, Mr. Grace, by leave, withdrew his amendment, and Mr. Patterson's motion was adopted.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That we conduct the proceedings of this convention with open doors, unless at any time the public interest shall require closed doors.

Mr. Smoote moved to lay the resolution on the table.

On which motion Mr. Floyd called for the yeas and nays, which being sustained, was ordered and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Bush, Carrigan, Gunter, Kelley, Mayo, Smoote and Stillwell—9.

NAYS—Messrs. Adams of Phillips, Baber, Batson, Bolinger, Bradley, Bussey, Campbell, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dodson, Dollarhide, Flanagin, Floyd, Fuller, Garland of Hempstead, Gould, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Lanier, Mansfield, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Spivey, Stallings, Stout, Tatum, Thomason, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—54.

So the resolution was not laid upon the table.

When the name of Mr. Smoote was called, he stated that he voted in the affirmative only because he believed the public interest required the convention to sit with closed doors.

On motion of Mr. Floyd, the resolution was adopted.

Mr. Clingman introduced the following:

ORDINANCE No. 26.

Be it, and it is, hereby ordained by the people of the State of Arkansas in convention assembled, That the several registers and receivers in the land offices in this state, are hereby ordered to return no papers or patents to the general land office of the United States, and that they continue to give to citizens their patents according to law and custom, so long as such law or laws are in force, and further, that this be in force and take effect from and after its passage.

And be it further ordained, That the president of this convention give notice to such officers, by publication in one public journal, in this state, a copy of which shall be sent to each such officer.

Mr. Garland, of Hempstead, moved to amend by adding the following as an additional section:

Be it further ordained, That in all cases where swamp and overflowed lands have been confirmed, but not patented to the state by the United States, prior to the passage of the ordinance of separation, it shall be the duty of the governor to execute deeds to the purchasers thereof, their heirs or assignees, as provided by existing laws, and such deeds shall vest in the purchasers, their heirs and assignees, the fee simple title to said lands as freely as if the same had been patented to the state; *Provided*, That anything contained in this ordinance shall not effect or interfere with the rights of individuals contesting their claims to any such lands.

Mr. Hanly introduced

ORDINANCE No. 27,

Entitled an ordinance concerning the archives of the late United States surveyor's office of State of Arkansas.

Be it ordained by the people of Arkansas in convention assembled, That all the archives of the late surveyor general's office of Arkansas, now in possession of the register of the United States land office, at Little Rock, be received by and placed in custody of the secretary of state, and that he provide a suitable room, in the state capitol buildings, for the preservation and safe-keeping of the same.

Be it further ordained, That the secretary of state shall be responsible for the safe-keeping of said archives for the state, and whenever requested, shall furnish, or cause to be furnished, certified copies of any of them to any state officer, or other person, requesting the same, upon payment of the customary fees therefor, which certified copies shall be received as evidence in all the courts of this state.

Be it further ordained, That this ordinance is subject to be repealed by the legislative authorities of the State of Arkansas, and the keeping and disposition of said archives are hereby declared subject to future legislative action of said state.

Which, on motion of Mr. Hanly, together with the ordinance of Mr. Clingman and amendment of Mr. Garland, were referred to the committee on landed interests.

Mr. Carrigan introduced

ORDINANCE No. 28.

AN ORDINANCE *to be entitled an ordinance supplementary to an ordinance as instructions to the deputies or commissioners to the Confederate States of America from the State of Arkansas.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That the commissioners or deputies of the State of Arkansas be, and they are, hereby instructed to insist that, before they agree to cede any lands, buildings or fortifications mentioned in the ordinance to which this is a supplement, the government of the Confederate States reimburse this state in all sums of money expended in obtaining possession of such lands, builings and fortifications.

Which, upon motion of Mr. Hanly, was laid upon the table.

On motion of Mr. Hanly, the covention adjourned until Monday morning, 9 o'clock.

DAVID WALKER,
President.

MONDAY, *May* 13*th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Bolinger, Bush, Bussey, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Cochran, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace and Mr. President—60.

The journal of Friday and Saturday was read, approved and signed.

Mr. Johnson appeared and asked leave of absence for the members of a special committee to select arms; which was granted.

Mr. President laid before the convention the resignations of Messrs. Thomason, Garland of Pulaski, Watkins and Bradley, delegates to this convention; which were received and accepted, and Mr. President was requested to issue writs of election to the sheriff of the several counties to fill the vacancies thus occasioned.

Mr. President then laid before the convention the following

COMMUNICATION:

LITTLE ROCK, May 6th, 1861.

Hon. DAVID WALKER, *President*
of the Convention of the State of Arkansas:

SIR—My duties having terminated as clerk of the district court of the United States in and for the western district of Arkansas, and the State of Arkansas, having dissolved her connection with the government of the United States, the records and papers of said court, now being in my custody, I herewith tender the same to your honorable body, and ask for instructions as to their disposition, with the furniture to said office belonging.

Very respectfully, your ob't serv't,
JOHN B. OGDEN, *Clerk.*

Which was read, and Mr. Turner, on leave, introduced the following

ORDINANCE No. 29.

AN ORDINANCE *in relation to the records of the late district court of the United States for the western district of Arkansas.*

Be it ordained by the people of the State of Aakansas in convention assembled, That the records, papers, files and every thing pertaining to the office of the late clerk of the district court of the United States for the western district of Arkansas, lately seized by order of Brigadier General Burrow, be, and the same are, hereby ordered to be delivered into the care and custody of John B. Ogden, esq., late clerk of said district court, subject to the further order of this convention.

Which was read.

Mr. Grace moved to amend so as to make the provisions of the ordinance extend to giving the custody of the books, papers, etc., of the district court of the eastern district, to the clerk of said court.

Which was accepted, and the ordinance as amended was adopted.

Mr. Totten of Arkansas, on leave, introduced

ORDINANCE No. 30.

AN ORDINANCE *to create a military corps for active service for the State of Arkansas.*

Be it ordained by the people of the State of Arkansas in convention assembled, That there shall be established an efficient military corps of the State of Arkansas for war and active service, which corps shall recognize the governor as commander-in-chief, and be under the control of one major general and two brigadier generals, to be elected by this convention, and commissioned by the governor, who shall hold their offices during good behavior, or until they are found incompetent. The major general shall rank above all military officers of the state, and shall have power, when necessary, to control them and even bring them into actual service of the state. The major general shall have for his staff one adjutant general, who shall rank as brigadier general, one quartermaster general, one commissary general, one judge advocate, one surgeon general, and such aids-de-camp during actual service as he may see proper to appoint, all of whom shall rank as lieutenant colonels of cavalry.

, of the county of , be, and he is, hereby elected major general of the active volunteer and war force of the State of Arkansas.

The state shall remain divided as it is now by law divided, into two divisions, first and second divisions. There shall be one brigadier general elected for each of said divisions, who shall have command of said divisions, under the direction of the major general as aforesaid. They shall rank above and have control, when necessary, of all the brigadier generals in their respective divisions. They shall have power to appoint such staff as the major general, except each shall appoint but two aids-de-camp, who shall rank as majors of infantry.

——— Pearce, of the county of Benton, is hereby elected brigadier general of the first division, and Thomas H. Bradley, of the county of Crittenden, is hereby elected brigadier general of the second division of the active volunteer and war force in and for the State of Arkansas.

The major general, by the consent of the military board, shall have power to call into actual service for the protection and defence of the state, and any service for the protection of the government of the Confederate States, by calling for volunteers by companies and by regiments, and to draft such number of the militia into actual service as may be deemed actually necessary for the purposes aforesaid. And in case of "insurrection or invasion," to call all the militia officers with their commands into actual service.

Each regiment of militia or drafted infantry called into service as aforesaid, shall have one colonel, one lieutenant colonel and one major. The colonel shall have power to appoint one adjutant, one sergeant major, one quartermaster, one commissary, one surgeon and one drum and one fife major.

The colonels, lieutenant colonels and majors, shall be elected by the commissioned officers of the several companies, at such time and place and manner as the brigadier general of the respective division shall designate, and the persons so appointed shall certify the result of said election to the brigadier general. And said brigadier general shall immediately certify the result of said elections to the governor, who shall commission the same. A regiment for active service shall consist of not less than six nor more than ten companies. A battalion, of not less than three nor more than five companies. Each volunteer or drafted company shall consist of not less than sixty-four and not more than ninety-six men. They shall have one captain, one first and one second lieutenant; said officers shall be elected by the privates as now prescribed by law. The captain shall appoint such number of under officers as shall be necessary to the company.

Any volunteer cavalry regiment shall have the same number of companies and the same officers elected as aforesaid, and the elections to be held and certified and commissions issued as aforesaid.

Each artillery regiment shall consist of companies and battalions, and the officers be elected as aforesaid. They shall have one colonel, one lieutenant colonel, and one major. The colonel shall be chief of engineers and artillery, and the major chief of ordnance. The colonel shall have like staff as the colonel of infantry. All of the aforesaid officers and privates shall, during the war, or when engaged in actual service, receive the same pay and emoluments as officers of the same rank receive in the United States service, and when this state is attached to the Confederate States, they shall receive the same pay as the officers of the same rank receive in the Confederate States, and the privates be paid at the rates and by the law aforesaid.

The major general, by consent of the military board, shall have power to dispense with the services of any inferior officers—to call one or more artillery companies into service, to call one or more cavalry companies into service—or any number of men or companies that may be absolutely necessary, and dispense with others wherever it may become necessary to save expense; and to require all officers, commissaries, quartermasters and paymasters, to report to him at least once a month. And he shall keep a book of all the returns and reports so made, subject to inspection at any time by the military board. He shall also have power to appoint one chief engineer in each division, with the rank of colonel of infantry, if it should become necessary.

The major general shall be tried before the military board for any offence or incompetency—the board having the right to summon to their aid any number of commissioned officers not less than five.

The brigadier generals shall be court martialed for disobedience or insubordination, in the same manner in all things, except the major general shall be one of the members of said court. From the judgment of said board and court martial there shall be no appeal.

The court martials aforesaid, and the court martials for all inferior officers and privates, shall be governed by the rules and articles of war and laws of the United States, and the rules and articles of war and laws of the Confederate States, when this state becomes one of its members, except where they come in conflict with this ordinance.

All volunteers now in service shall be deemed as enlisted for one year from the day they entered the service, and they are hereby enlisted for that time. All persons to be hereafter enlisted or drafted, shall be enlisted or drafted for the period of two years, should the war so long continue, from the day they are mustered into service.

All the laws of the United States and the constitution and laws of the State of Arkansas, not in conflict with this ordinance, are hereby declared to be in full force in this state, but all the laws of the United States and the constitution and laws of this state in conflict with this ordinance are hereby made null and void in the State of Arkansas.

Be it ordained, That this ordinance take effect and be in force from and after its passage.

100 copies of which ordinance were ordered to be printed for the use of the convention.

Mr. Murphy offered the following

RESOLUTION:

Resolved, That the appointment of brigadier generals for he 1st and 2d divisions of Arkansas militia by the convention, was not intended to supercede the major generals of said divisions, or to effect their rank.

Mr. Totten of Arkansas, was called to the chair.

The question being stated on the adoption of the resolution, Mr. Ray called for the yeas and nays, which call was sustainen, ordered and had with the following result:

Yeas—Messrs. Austin, Bussey, Dollarhide, Hawkins of Sevier, Hobson, Ray, Stallings, Tatum and Yell—9.

Nays—Messrs. Adams of Phillips, Batson, Bolinger, Bush, Campbell, Carrigan, Crenshaw, Cypert, Cochran, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Fuller, Garland of Hempstead, Gould, Griffith, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Kelley, Kennard, Lanier, Mansfield, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stillwell, Stirman, Stout, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace and Mr. President—48.

So the resolution was not adopted.

Mr. Clingman and Mr. Mayo were excused from voting.

Mr. Smoote, on leave, presented the following

RESOLUTION:

Resolved, That the committee on judiciary be required to inquire into the propriety of securing the payment of debts due from the government of the United States previous to the 6th day of May, A. D. 1861, to citizens of the State of Arkansas, out of such moneys and property heretofore belonging to the said government of the United States, in the said State of Arkansas, which have been or may hereafter be seized to the use of or vested in the said State of Arkansas, by an act or ordinance of this convention; and if in the opinion of said committee, the payment of said debts should be so secured, then they are further instructed to report an ordinance for that purpose.

Which was read, and on motion of Mr. Turner, referred to the committee on judiciary.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments respectfully report that they have this day compared the enrolled copy with the original of an ordinance entitled "an ordinance appropriating the domain, public lands and other property which belonged to the government of the United States in this state," and find the same correct.

GRIFFITH, *Chairman.*

Mr. President resuming the chair stated that he was unwell, and called upon Mr. Hanly to preside for the remainder of the day.

Mr. Totten of Prairie, by leave, offered the following

RESOLUTION:

Resolved, That the writ of habeas corpus be suspended so far as regards convicts in the penitentiary of the state, and also all prisoners confined under the laws of the United States, until this convention shall otherwise direct; and that the keeper of the penitentiary, and all other keepers of prisons in this state are hereby ordered to retain such of the convicts and prisoners as yet have unexpired terms to serve, or until this convention shall otherwise direct, or their term expires.

Resolved, That this suspension of the writ of habeas corpus is intended to apply only to those convicts confined in the penitentiary and other prisons by authority of the United States.

Which was read and adopted.

Mr. Totten, on leave, then presented the following preamble and

RESOLUTIONS:

WHEREAS, The system of privateering and the granting of letters of marque and reprisal is a legitimate mode of civilized warfare, recognized not only by European governments and international laws, but by the practice and fundamental law, both of the United States of America and the Confederate States of America; *And whereas*, In accordance with this well-established and universally recognized system of civilized war, the government of the Confederate States of America has proceeded to the issuing of letters of marque and reprisal, and the fitting out of privateers as a means of self defence, and of prosecuting successfully the war which has been forced upon them by the government at Washington; *And whereas*, Abraham Lincoln, at present President of the United States, in obedience to the suggestions of the commercial interest of the North, as conveyed to him through imposing meetings of the New York chamber of commerce and other channels, has issued a proclamation declaring that any person privateering under the authority of letters of marque and reprisal issued by President Davis, "shall be held amenable to the laws of the United States for the prevention of piracy."

Resolved, That we indorse and approve the action of President Davis and the government at Montgomery in the premise, and that we will sustain it with the whole moral and physical power of the sovereign State of Arkansas; and that we recommend to the government of the Confederate States, that they retain the person of every alien enemy taken as a prisoner, and hold it personally responsible to the people of the South if President Lincoln shall execute his infomous threat to treat a recognized usage of civilized warfare as piracy.

Resolved, That we are a free and independent nation, and have not by conventional agreement or treaty stipulation, parted with any of the essential rights of nations, and that in conducting the war which has been forced upon us by the government at Washington, we are perfectly free to select whatever weapon or mode of warfare is recognized by the laws of nations, and that in that selection we believe it to be the best policy to choose, that method which will most seriously damage and cripple the material interests of the enemy.

Which were read.

Mr. Cypert moved to refer said resolutions to the committee on military affairs, on which motion, Mr. Totten called for the yeas and nays, which call was sustained, ordered and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Bolinger, Bush, Campbell, Carrigan, Clingman, Cypert, Desha, Dinsmore, Dodson, Fishback, Gould, Griffith, Gunter, Hobbs, Kelley, Kennard, Mansfield, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell and Turner—25.

NAYS—Messrs. Adams of Phillips, Batson, Bussey, Crenshaw, Cryer, Cochran, Dollarhide, Flanagin, Floyd, Fuller, Garland, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Spivey, Stirman, Tatum, Totten of Arkansas, Totten of Prairie, Walker, Wallace and Yell—34.

So the motion to refer did not prevail.

Mr. Kennard moved to amend the preamble by striking out the words:

"In accordance with the well established and universally recognized system of civilized war."

Mr. Totten of Prairie, moved to lay the amendment upon the table, which motion prevailed on division.

Mr. Stillwell called for a division of the question, whereupon Mr. President stated the question to be upon the adoption of the preamble and first resolution; on which, Mr. Totten of Prairie called for the yeas and nays, which call being sustained, was ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Adams of Phillips, Austin, Batson, Bush, Bussey, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dodson Dollarhide, Flanagin, Floyd, Fuller, Garland, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Tatum, Totten of Arkansas, Totten of Prairie, Walker and Wallace —51.

Nays—Messrs. Bolinger, Campbell, Dinsmore, Fishback, Murphy and Turner—6.

Mr. Parks asked to be, and was excused from voting.

So the preamble and first resolution were adopted.

Mr. President pro tem. then stated the question to be on the adoption of the second resolution; whereupon Mr. Kennard moved to amend by striking out all the latter clause after the word "nation," which motion did not prevail.

But, on motion of Mr. Patterson of Jackson, the resolution was laid upon the table until Friday next.

Mr. Yell introduced the following preamble and

ORDINANCE No. 31.

Gen. Yell, commander at Hopefield, borrowed of Gen. Thomas H. Bradley, at Memphis, the sum of five thousand dollars, for the troops of Arkansas at Hopefiyld; and said sum was placed at the command of the pay master of seid troops, at the Planter's Bank in Memphis; therefore

Be it ordained by the people of the State of Arkansas, That Gen. James Yell is hereby authorized to draw his draft on the auditor for five thousand dollars, out of the amount of money deretofore appropriated by ordinance to and in favor of the brigadier general of the second division of Arkansas, and the auditor is authorized to draw upon the treasurer for said amount.

Which was read and adopted.

Mr. Robinson offered the following

RESOLUTION:

Resolved, That his excellency be requested and he is hereby instructed to cause all the sulphur within the state to be purchased for the use of the state, to be used in the manufacture of powder.

Which was read, and on his motion, referred to the committee on military affairs.

On leave, Mr. Stillwell introduced the following ordinance:

ORDINANCE No. 32.

Be it ordained by the people of Arkansas in convention assembled, That all the volunteer companies in Pulaski county retain the public arms now in their possession, and that his excellency, the governor, be required to return to the "Capital Guards," commanded by Capt. Gordon N. Peay, the arms which they returned to him on his requisition.

Be it further ordained, That if said volunteer companies shall, at any time, if they are notified by the proper authority, that their services are needed by the State of Arkansas in the field, fail to respond and enter forthwith into the service, they shall at once deliver such arms to the governor or other officer authorized to receive them.

On motion of Mr. Smoote, the ordinance was laid upon the table.

Mr. Flanagin offered the following

RESOLUTION:

Resolved, That the committee on military affairs be instructed to enquire as to the expediency of arming one company in each county as a home guard.

Which was read, and referred to the committee on militia.

On motion of Mr. Smoote, the convention adjourned until to-morrow morning, 9 o'clock.

DAVID WALKER,
President.

TUESDAY, *May* 14*th*, 1861.

Convention met pursuant to adjournment.

Mr. Gould announced to the convention that Mr. President was indisposed, and moved that Mr. Hanly be elected President pro tem., which motion prevailed, and Mr. Hanly took the chair.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace and Yell—62.

The reading of the journal was, on motion, postponed for the present.

Mr. Kelley asked and obtained leave of absence for Mr. Stout.

Mr. Flanagin, on leave, offered the following

RESOLUTION:

Resolved, That the president of the convention be requested to ask by telegraph of the secretary of war in the southern confederacy, whether it is the policy of the southern confederacy as indicated by any public act to confiscate private property in the present war, unless it be commerce upon the high seas.

The question was stated to be on the adoption of the resolution.

On which Mr. Totten, of Prairie, called for the yeas and nays, which call being sustained, was ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Austin, Baber, Bolinger, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Fort, Fuller, Garland, Gould, Griffith, Gunter, Hobson, Kelley, Kennard, Mansfield, Patterson of Van Buren, Smith, Smoote, Spivey, Stillwell, Stirman, Tatum, Turner and Walker—34.

Nays—Messrs. Adams of Phillips, Batson, Bush, Bussey, Cochran, Fishback, Floyd, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Johnson, Lanier, Mayo, Murphy, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Totten of Arkansas, Totten of Prairie, Wallace and Yell—27.

So the resolution was adopted.

On motion, the special order of the day was suspended, and the consideration of ordinances touching the military affairs and condition of the state, were taken up.

On motion of Mr. Batson, Mr. Stirman was allowed to record his vote and affix his signature to the ordinance dissolving the union between the State of Arkansas and the United States of America, which he accordingly did.

The convention then closed the doors and its deliberations were continued in secret.

Ordinances No. 20, 20½, 22, 23 and 30, were then taken up.

On motion of Mr. Kennard, the consideration of ordinances No. 20½, entitled "an ordinance to create a military board for the State of Arkansas," and No. 21, entitled "an ordinance to establish a military board for the State of Arkansas," were made the special order of the hour.

Said ordinances were then read.

On motion of Mr. Stillwell, the first section of ordinance No. 20½ was read.

Mr. Flanagin moved to amend by striking out all after the word "board," in said section.

Mr. Smoote moved to amend the amendment by striking out the first section; which did not prevail.

Mr. Adams, of Phillips, moved to amend the amendment by striking out all of the first section after the word "board," in the second line, and including sections " 1 " and " 2" in section " 1;" which was accepted.

Mr. Desha moved to amend the amendment by inserting after the word " convention" in said second section, " whose duty it shall be to act and consult together in all matters appertaining to the general military defence of the state;" which was also accepted.

Mr. Kennard moved to amend the amendment by striking out the amendment of Mr. Desha, so accepted, and insert in lieu thereof. after the words " convention,"

" Which shall be charged with the control and management of all military operations within the state."

Mr. Patterson, of Jackson, moved to lay the amendment on the table; which motion prevailed.

Mr. Gould moved to amend the amendment by striking out the word " two," in said section, where it refers to the nnmber of advisers, and insert " three" in lieu thereof; which did not prevail.

Mr. Robinson moved to amend the amendment by striking out said word "two," and inserting "one" in lieu thereof; which motion did not prevail.

The question was then stated to be on the adoption of the amendment of Mr. Flanagin, as amended by Mr. Desha, and Mr. Adams, of Phillips; which was adopted.

Mr. Totten, of Arkansas, moved to amend said section by striking out all after the word "advisers," and insert "to receive the sum of five dollars per day while actually employed in such service."

Mr. Kennard moved to amend the amendment by striking out all after the word " receive," and inserting " compensation for their services at the rate of two thousand dollars per annum."

Which, after some discussion, was withdrawn.

The question was then stated to be on the adoption of the amendment proposed by Mr. Totten; which was adopted.

There being no other amendments offered, Mr. President pro tem. stated the question to be on the aodption of the section as amended, whereupon, Mr. Cypert offered the following as a substitute for the entire section:

Be it ordained by the people of the State of Arkansas in convention assembled, That there shall be established an efficient military corps of the State of Arkansas, for war and active service, which corps shall recognize the governor as commander-in-chief, and be under the control of one major general and two brigadier generals, to be elected by this convention, and commissioned by the governor, who shall hold their offices during good behavior, or until they are found incompetent. The major general shall rank above all military officers of the state, and shall have power, when necessary, to control them and even bring them into actual service of the state. The major general shall have for his staff one adjutant general, who shall rank as brigadier general, one quartermaster general, one commissary general, one judge advocate, one surgeon general, and such aids-de-camp during actual service as he may see proper to appoint; all of whom shall rank as lieutenant colonels of cavalry.

After some discussion, the question was stated to be on the adoption of the substitute.

On which Mr. Robinson called for the yeas and nays, which being sustained, was ordered and had with the following result:

Yeas—Messrs. Bush, Campbell, Cryer, Cypert, Dinsmore, Dodson, Dollarhide, Floyd, Fort, Griffith, Murphy, Patterson of Van Buren, Robinson, Stallings, Tatum and Wallace—16.

Nays—Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Carrigan, Clingman, Crenshaw, Desha, Fishback, Flanagin, Fuller, Garland, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Parks, Patterson of Jackson, Ray, Rhodes, Shelton, Slemons, Smoote, Spivey, Stillwell, Stirman, Totten of Arkansas, Totten of Prairie, Turner, Walker and Yell—46.

So the motion to substitute was lost.

Mr. Stillwell then moved to recommit the whole subject to a select committee of thirteen, with instructions to report at their earliest possible convenience.

Mr. Yell moved to lay the motion upon the table; which did not prevail.

The question was then stated on the motion to refer; which was lost on division.

Mr. Gould moved the adoption of the first section of the ordinance, as amended.

On which Mr. Gould called for the yeas and nays; which call being sustained, was ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Baber, Batson, Bush, Carrigan, Clingman, Crenshaw, Cochran, Desha, Dinsmore, Flanagin, Floyd, Fuller, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kennard, Lanier, Mansfield, Parks, Ray, Rhodes, Shelton Slemons, Smith, Spivey, Stillwell, Stirman, Totten of Arkansas, Turner and Yell—39.

NAYS—Messrs. Adams of Phillips, Austin, Bolinger, Bussey, Campbell, Cryer, Cypert, Dodson, Dollarhide, Fishback, Fort, Kelly, Mayo, Murphy, Patterson of Jackson, Robinson, Smoote, Stallings, Tatum, Totten of Prairie, Walker and Wallace—22.

So the first section, as amended, was adopted.

Mr. Baber offered the following in lieu of section two:

SEC. 2. The members of said board shall be required, before entering upon the duties of their office, to take an oath to support the constitution of the State of Arkansas, and provisional constitution of the Confederate States of America.

Mr. Yell was called to the chair.

At the suggestion of Mr. Hanly, Mr. Baber withdrew the proposed additional section.

Mr. Desha, on leave, called up a memorial of the president and directors of the Cairo and Fulton railroad company, proposing to relinquish certain lands to the state, and asking for a conference.

Which was read and referred, on motion of Mr Kennard, to a select committee, and Mr. President pro tem. appointed Messrs. Patterson, of Jackson, Adams, of Phillips, Desha, Cypert and Flanagin, such committee.

On motion of Mr. Baber, Mr. Robinson was added to the committee.

Mr. Johnson, on leave, presented a report from a select committee:

Mr. President—

Your committee, who were assigned to the duty of distributing to Generals Pearce and Bradley, the arms, under the ordinance of this convention, passed on the 11th inst., providing for the protection and defence of the north-western and north-eastern frontiers of the state, have the honor now to report that they have so far performed that duty, as to set apart to Brigadier General Pearce,

2 12 pounder brass howitzers;
4 6 " " "
500 flint and steel muskets;
500 Hall's rifles, (flint and steel;)
89 horse pistols, " "
16 North's revolvers:
200 carbines;
50 Minnie rifles, and accoutrements complete.
And to Brigadier General Bradley:
54 Mississippi rifles;
16 revolvers, and
17 sabres.

These being the arms designated by said Generals respectively, as the arms desired by them for the service aforesaid.

It will be observed that Gen. Bradley has taken but a small portion of the arms directed by the convention to be delivered to him, he preferring, for the present, to leave the remainder subject to his order when needed for his service.

Your committee take great pleasure in stating that, in the discharge of their duty, as above, they met with the hearty co-operation of his excellency, the governor, and of Col. Peek, who is in charge of the arsenal and arms of the state.

All of which is respectfully submitted, and your committee ask to be discearged.

J. P. JOHNSON, *Chairman of committee.*

Little Rock, May 14, '61.

Which was read and adopted, and the committee discharged.

Accompanying the report Mr. Johnson presented the following

CORRESPONDENCE:

Little Rock, May 11th, 1861.

Dear Sir—The undersigned committee, appointed by the sovereign convention of the people of the State of Arkansas, on this day, under the provisions of an ordinance, also passed this day, by said convention, entitled "an ordinance for raising and equiping a military force in the north-western and north-eastern portions of the state, for the immediate protection of those frontiers," to select and deliver to the two brigadier generals, provided for by, and elected under the provisions of said ordinance, two thousand, five hundred stands of arms each; together with accoutrements, munitions and other things deemod necessary by said committee, and also one complete battery to each of said generals, consisting of six pieces of artillery, and all necessary accompaniments, which ordinance has been submitted to the inspection of your excellency, have the honor to inform your excellency that they are ready to discharge that duty, and respectfully solicit your excellency's co-operation in that behalf.

We have the honor to be,
Your excellency's ob't serv'ts.,
J. P. JOHNSON, *Chairman.*
T. M. GUNTER,
F. W. DESHA.
JAS. YELL.

To his Excellency,
H. M. RECTOR, *Governor.*

EXECUTIVE OFFICE, *Little Rock*,
May 12th, 1861.

To Messrs.
Hons. J. P. JOHNSON,
" T. W. GUNTER,
" JAS YELL,
" FRANK DESHA,
Committee.

GENTLEMEN—I am in receipt of your communication of yesterday, 9 o'clock p. m., wherein you are pleased to inform me that an ordinance has been passed by the state convention, creating the offices of brigadier general for the 1st and 2d division of the state, and directing you to select and deliver from the arsenal, to the brigadier general respectively elected, the necessary arms, accoutrements, ammunition, etc., deemed necessary for the eastern and western portion of the state, advising me that you are ready to discharge that duty in co-operation with myself.

In furtherance of the views of the convention, and especially in discharge of the duty incumbent on me, as the commander-in-chief of the army of the state, I have ordered from the arsenal two thousand of the best guns on hand, six pieces of artillery, with accoutrements and ammunition corresponding with the service and danger anticipated on the western frontier. Five hundred additional guns will be sent, some of them improved arms, so soon as they can be prepared for transportation.

The danger in the west seeming now more imminent than in the eastern portion of the state, I have deemed it proper to employ all the available force to supply the west first, and to send as soon as need be those required for the better security of the Mississippi.

In respect to my co-operation, touching the provision in the ordinance referred to, creating the office of brigadier general. I respectfully submit that it is wholly dependent upon the authority and prerogatives assumed by the incumbents of those offices of which I have so far not been able to acquaint myself. And it is proper to remark that I have had no official information of the appointment of any one to those stations, but received from Col. N. B. Pearce, the following communication:

Little Rock, Ark.,
May 11th, 1861.

Gov. H. M. Rector:

I have the honor to resign my commission as colonel of the second regiment of Arkansas militia. Having been created brigadier general, by the state convention, I expect to proceed to the western frontier immediately, and put it in the best condition for defence that I can.

Very respectfully,
N. BART PEARCE,
Brig. Gen'l Army of Arkansas.

To which I replied.

Head Quarters, A. M.
May 11th, 1861.

Col. N. B. Pearce:

Sir—You will be good enough to define your authority as brigadier general, and the relations you bear to the commander-in-chief to enable me to determine upon the propriety of granting your resignation this day tendered, and to give such orders to you or to other subordinate officers as the defence of the country requires.

Respectfully,
H. M. RECTOR,
Commander-in-chief A. M.

To which the Colonel has not so far favored me with a response.

By the constitution and laws of this government, which as its executive officer, I am sworn to support and to "see executed." I am, for and during the term for which I have been elected by the people, commander-in-chief of the army of the state, knowing or recognizing no equal or superior in military rank, except in the post, such officers as the constitution of the old Union set over me, in the future, such others as by authority of the Confederate States, may be assigned to the command of troops mustered from Arkansas into the Confederate service.

The appointment of officers for military purposes (other than those in authority, under existing laws,) in due respect to the action of the convention, seems to me to be less important than might otherwise be the case, from the fact that in a very few days all military action on the part of this state must be superceded and become subordinate to the Confederate powers.

In the detail of the ordinance, I perceive also objections of a constitutional character, to which I beg leave to call to the attention of the convention through you as their committee.

The constitution of the State of Arkansas declares that "perpetuities are contrary to the genius of a republic, and shall not be allowed!!

This ordinance passed by the convention defines no limit or period to the tenure of office conferred upon the brigadiers general.

Again: that instrument provides, that the commissions shall eminate from the president of the convention. The constitution declaring that all commissions emenating from the State shall "be sealed with the seal of the state, attested by the secretary of state, and signed by the governor."

The constitution again provides that "all officers, both civil "and military, acting under the authority of the state shall, "before entering on the duties of their offices, take an oath to "support the constitution of the state."

The ordinance requires nothing of this kind to be done on the part of the officers thereby provided for.

These objections, constitutional in their character, and in my opinion violative of an instrument that is, until another is substituted, the law of the land, and which I am sworn to support, renders it necessary in yielding my co-operation in the execution of said ordinance, to protest, nevertheless, in the name of the people of the state, whose servant I am, to "see the laws executed," as they are found in a constitution enacted and solemnized by them, and which, until altered, must be that to which I owe obedience.

And I beg further to present in the name and in behalf of the military officers under my command, numbering some five thousand in the state, that although their tenure of office is derived from legislative enactment, not by constitutional right, and may be reformed, subordinated or abolished by legislative authority, yet to do this, when in many instances the commandants of our brigades and regiments have incurred expense, bestowed much labor and time in fitting themselves for service, and, considering also that many of them are accomplished officers, inferior to none who might be selected in the state, to say the least, is quite a hardship, and must engender dissatisfaction produce discord and heart-burnings, and impair morally and physically the effectiveness of our army.

For myself, I repeat what I have often announced, that I will co-operate cheerfully and zealously with the convention in all things, promotive of the success and welfare of the country, so long as it is possible to preserve self respect, my own manhood and the liberties and constitutional rights of the people, whose officer and servant I am.

All which is respectfully submitted.

HENRY M. RECTOR,
Governor and Com.-in-chief A. M.

Since the preparation of the above the response of Col. Pearce has been received, a copy of which is herewith sent, leaving the query propounded unanswered, and quite as much in uncertainty as it was before.

H. M. R.

Little Rock, Ark.,
May 11*th*, 1861.

To His Excellency, Henry M. Rector,

I have the honor to acknowledge the reception of your communication, calling on me to define my authority as brigadier general. My appointment to that office is from the state convention of Arkansas, and my authority is defined in the ordinance passed by the convention, of this day, a copy of which was handed you by the select committee this evening.

I have the honor to remain,
Very respectfully,
Your ob't servant,
N. BART PEARCE,
Brig. General Arkansas.

Mr. Griffith, from a select committee, on leave, made the following

REPORT:

Mr. President—

Your committee, appointed to report to this body a suitable person to be sent to the Indian country on the western border of Arkansas, as a commissioner to confer with such Indians, for the purpose of counteracting any influences which may be used with said Indians prejudicial to the interest of this state, respectfully report and recommend to this convention the name of Col. Mark Bean, of Washington county, whose long acquaintance with the principal men of the several tribes, eminently qualifies him for that important position.

GRIFFITH, *Chairman.*

Which was read and received.

On motion of Mr. Tatum, the convention took a recess until 3 o'clock, p. m.

3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cochran, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fuller, Garland, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Johnson, Kelley, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Prairie, Turner, Walker, Wallace, Watkins and Yell—56.

The consideration of ordinance No. 20½ was resumed.

The 3d section was read.

Mr. Stillwell moved to amend by inserting, after the words "Little Rock," in the 4th line, the words: "And shall be paid for his services the sum of one thousand dollars annually, payable quarterly out of any moneys in the treasury at the command of the military board."

Mr. Batson offered to amend the amendment by adding, after "Little Rock:" "And shall receive such compensation as such board may deem just and reasonable, not to exceed $1,000 per annum."

Mr. Flanagin moved to lay the amendment, and the amendment to the amendment on the table; which motion prevailed.

Mr. Floyd moved to amend by inserting after the words "Little Rock:" "And to be paid such compensation as the military board shall allow him, and ordered to be paid out of the state treasury."

Which was adopted. and the 3d section was adopted as the 2d section of the ordinance.

The 4th section was then read.

Mr. Gould moved to strike out the whole of said section, and inser in lieu thereof the 2d section of ordinance No. 21:

SEC. 2. *Be it further ordained*, That said military board, acting in conjunction with the governor, shall have full power to call out the militia and volunteer forces of the state to the extent necessary for its protection and security; and to draw an order on the auditor to be paid by the treasurer for such moneys as may be appropriated for military purposes; to manage and control the forts, arms, and munitions of war belonging to, or in possession of the state, either by original right or confiscation, and any and all property belonging now, or hereafter, to the military department of this government. They shall have power to plan and execute defences, and put on foot military expeditions necessary, in their opinion, and as circumstances and necessity may require; and in all things take charge of, and be responsible for the safety and protection of Arkansas, until such time as the anthority of the confederate government shall be extended over it, and state authority shall become subordinate to said confederate power, after which it shall act in aid of and auxiliary to said confederate authority.

Mr. Stillwell moved to amend the amendment by striking out of the first line the words, "acting in conjunction with the governor;" which was accepted.

Mr. Totten of Prairie, moved to amend the amendment by striking out the word "for," in the 4th line, and inserting the words "out of;" which was also accepted.

Mr. Adams of Phillips, moved to amend by striking out the word "on," in the 3d line, and adding "s" to the word "order," in said line; which was accepted.

Mr. Dinsmore moved to amend by striking out the words "to plan and," in the 7th line, and insert after the word "foot" the word "all;" which was also accepted.

Mr. Stillwell moved to amend by striking out all after the word "Arkansas," in the 10th line, and inserting: "until the government of the Confederated States of North America shall take charge of the military operation within the state."

Mr. Adams of Phillips offered, as a substitute for the amendment to the amendment, the following:

Add after the word "require," in the 9th line the words—

"Subject to the provisions of such laws or ordinances as may be hereafter passed or enacted by this convention or the legislature of this state;" and strike out the words, "shall become subordinate to said confederate power."

Which was adopted.

The amendment as amended was then adopted as the 4th section of the ordinance.

The 5th section was then read.

Mr Stillwell moved to amend by striking out of the 6th line the words, "the governor being one;" which was accepted.

Mr. Adams of Phillips moved to amend by striking out the words, "subordinate to this board," in the 6th line.

Which was also accepted, and the section, as amended, was adopted as the 5th section of the ordinance.

The 6th section was then read.

Mr. Adams of Phillips moved to amend by striking out all after the word "board," in the 1st line, to the word "majority," in the 6th line, included, and inserting after the word "rule," in said line, the words "in all matters by this convention intrusted to them;" which was adopted.

Mr. Stillwell moved to amend by ddding to said section:

"That in case of vacancy by death, resignation, or otherwise, the governor and remaining adviser shall take to their assistance the auditor, treasurer and secretary of the state, or one or more of them, and, by a majority vote, elect a sucessor."

Which was adopted.

Mr. Gould moved to amend by striking out the words, "and a majority may draw upon the treasury;" which was accepted.

The section, as amended, was then adopted as the 6th section of the ordinance.

The 8th section was then read.

After several verbal proposed amendmendments, Mr. Johnson moved to strike out the word "five," and insert "two."

On which, Mr. Fishback called for the yeas and nays, which was sustained, ordered and had with the following result:

Yeas—Messsrs. Adams of Izard, Adams of Phillips, Austin, Baber, Bussey, Carrigan, Clingman, Crenshaw, Cryer, Cochran, Desha, Flanagin, Floyd, Fuller, Gould, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobson, Johnson, Lanier, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stillwell, Stirman, Tatum, Totten of Arkansas, Totten of Prairie, Walker, Wallace and Yell—41.

Nays—Messrs. Batson, Bolinger, Bush, Campbell, Cypert, Dinsmore, Dodson, Dollarhide, Fishback, Fort, Griffith, Hanly, Hobbs, Kelley, Mansfield, Mayo, Murphy, Parks, Stallings, Stout and Turner—21.

So the amendment was adopted, and the section was made a part of the ordinance by adoption.

The 9th section was read.

Mr. Totten of Arkansas moved to amend by striking out "30,000," and inserting "10,000;" which was lost.

The section was then made part of the ordinance by adoption.

Mhe 10th section was then read and adopted.

Mr. Smoote offered the following as an additional section:

Sec. 11. *Be it further ordained,* That this ordinance shall be subject to repeal by legislative enactment, and that said board shall cease and become extinct at the close of the war.

Which was lost.

The ordinance was then ordered to be engrossed and printed.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined an ordinance for the relief of Gen. James Yell.

A resolution in regard to the writ of habeas corpus as applied to certain convicts and prisoners.

An ordinance to authorize the levy of a tax for military purposes.

An ordinance in relation to the late district courts of the United States; and instruct me to report the same correctly enrolled.

GRIFFITH, *Chairman.*

Which was received.

Mr. Totten of Prairie presented a petition, accompanied by a resolution, which, upon his motion, were referred to the committee on the judiciary, without being read.

Mr. Hill presented the following preamble and

RESOLUTIONS:

Whereas, The militia of the county of Perry, in the State of Arkansas is in a disorganized condition, by having, at present, no colonel; therefore,

Resolved, That volunteer companies in said county be, and they are, hereby authorized to organize by electing officers, and the governor is hereby authorized to commission the same in the usual way.

Resolved, That the provisions of the foregoing sections be applied to the county of Prairie, and such other counties as may have volunteers, who may choose to accept its provisions.

Which was adopted.

On motion of Mr. Tatum, the convention adjourned until to-morrow morning, 9 o'clock.

THOMAS B. HANLY,
President, pro tem.

WEDNESDAY, *May* 15*th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—62.

Mr. Dinsmore asked and obtained leave of absence for Mr. Stallings.

The journals of Monday and yesterday were read, approved and signed.

Mr. President then laid before the convention a communication, which was ordered to be referred to the files without being spread upon the journal.

Mr. Totten of Arkansas moved that the secretary keep a "secret journal" for the convention's secret proceedings; which motion did not prevail.

Mr. President then called the attention of the convention to the message of the governor and the accompanying documents, laid before the convention on Saturday; which,

On motion of Mr. Stillwell, were referred to the committee on state affairs without being read.

The consideration of ordinance No. 20½, entitled "an ordinance to create a military board for the State of Arkansas," was then resumed.

The engrossed copy was read.

Mr. Floyd offered to amend by inserting an additional section:

Be it further ordained, That the two members of the military board after they shall have been elected, shall be commissioned by the president of this convention, and be required to take the oath of office that shall hereafter be required by this convention.

Mr. Smoote moved to amend the amendment by adding to it the following.

"And that this ordinance may be repealable by legislative enactment:"

Mr. Smoote moved its adoption.

Mr. Gould moved to lay the amendment on the table, on which, Mr. Dollarhide called for the yeas and nays, which was sustained, ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Floyd, Fort, Gould, Griffith, Gunter, Hawkins of Ashley, Hill, Hobbs, Hobson, Kelley, Kennard, Lanier, Mansfield, Mayo, Parks, Patterson of Van Buren, Ray, Rhodes Shelton, Slemons, Smith, Spivey, Stillwell, Stirman, Stout, Tatum, Totten ofArkansas, Turner, Walker, Wallace, Yell and Mr. President—47.

NAYS—Messrs. Clingman, Crenshaw, Dollarhide, Fishback, Flanagin, Fuller, Garland, Hanly, Hawkins of Sevier, Hilliard, Johnson, Murphy, Patterson of Jackson, Robinson, Smoote and Totten of Prairie—16.

So the amendment to the amendment was laid on the table.

Mr. Fload, on leave, then withdrew his amendment and introduced the following as a substitute:

Be it further ordained, That the two advisers of the military board herein provided for, after their election, shall be commismissioned by the president of this convention, and said advisers are hereby required to take such oath of office as the conven-vention shall require and prescribe, and this ordinance shall continue in full force till the end of the war."

Mr. Hanly moved to amend the substitute by inserting at the end of such substitute, the words, "and no longer."

Which was accepted.

Mr. Murphy moved to amend the substitute by striking out the words "till the end of the war," and inserting "for one year."

Mr. Floyd moved to lay the proposed amendment on the table, on which, Mr. Robinson called for the yeas and nays, which being sustained, was ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Austin, Batson, Bush, Bussey, Campbell, Carrigan, Clingman, Crenseaw, Cypert, Cochran, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Parks, Patterson of Van Buren, Ray, Rhodes, Shelton, Slemons, Smith, Spivey, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—55.

NAYS—Messrs. Bolinger, Cryer, Dollarhide, Murphy, Patterson of Jackson, Robinson, Smoote and Totten of Prairie—8.

So the proposed amendment to the substitute was laid on the table.

Mr. Batson moved to amend the substitute by striking out all after the words, "require and prescribe," and adding:

That the advisers herein provided for shall hold their office until the last day of the next biennial session of the legislature, and their successors shall then be elected by the legislature, who shall also hold their office for two years, and be commissioned by the governor.

Which was accepted.

Mr. Hanly offered as an amendment, add after the word "longer" in the substitute as amended:

"And should the war continue until after the term of office of the present governor shall expire by constitutional limitation, that then, and in that event, the two advisers herein provided for shall be elected by the people at the same time the next governor shall be elected."

Mr. Batson moved to lay the amendment upon the table, on which, Mr. Hanly called for the yeas and nays, which being sustained, was ordered and had with the following result:

YEAS—Messrs. Adams of Izard, Batson, Carrigan, Clingman, Cochran, Flanagin, Floyd, Fuller, Hill, Hobbs, Murphy, Patterson of Jackson, Shelton, Slemons and Totten of Arkansas—15.

Nays—Messrs. Adams of Phillips, Austin, Baber, Bolinger, Bush, Bussey, Campbell, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Fort, Garland, Gould, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Smith, Smoote, Spivey, Stillwell, Stirman, Stout, Tatum, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—49.

So the amendment to the substitute was not laid on the table.

The proposed amendment to the substitute was then adopted.

Mr. Griffith, from the committee on enrollments, made the following:

REPORT:

Mr. President—

The committee on enrollments would respectfully report that they have this day compared the enrolled copies with the original of resolutions in relation to the election of officers by volunteer companies, and find the same to be correctly enrolled.

S. L. GRIFFITH, *Chairman.*

Which was received.

Mr. Smoote offered to amend the substitute under consideration by inserting between the words "war" and "and no longer," the words "unless sooner repealed by the legislature at its regular session."

Which was lost.

The substitute as amended was then made part of the ordinance by adoption.

Mr. Hanly offered the following as an additional section:

Sec. — *Be it further ordained*, That should this war continue beyond the constitutional term of office of the present governor, and it shall be necessary to continue the said advisers in office, and an election is made of successors of said advisers, the said successors shall hold their office for the full term of four years, and until their successors are elected and qualified as hereinbefore provided for, and so on at every four years thereafter until the war is concluded.

Which was adopted.

Mr. Patterson of Jackson, offered the following as an additional section:

That this ordinance shall not be so construed as to place said advisory board above the civil power of the state, but that the same shall continue subordinate thereto.

Mr. Hanly moved to lay it on the table, on which, Mr. Patterson called for the yeas and nays, which being sustained, was ordered and had with the following result:

Yeas—Messrs. Austin, Bolinger, Bush, Bussey, Campbell, Carrigan, Crenshaw, Cochran, Dodson, Flannagin, Fuller, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Hobson, Kelley, Parks, Ray, Shelton, Smith, Smoote, Spivey, Stillwell, Stirman, Tatum and Yell—29.

Nays—Messrs. Adams of Izard, Adams of Phillips, Baber, Batson, Carrigan, Cryer, Cypert, Desha, Dinsmore, Dollarhide, Fishback, Floyd, Fort, Garland, Gould, Griffith, Hill, Johnson, Kennard, Lanier, Mansfield, Mayo, Murphy, Patterson of Jackson, Patterson of Van Buren, Rhodes, Robinson, Slemons, Stout, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace and Mr. President—25.

So the amendment was not laid on the table.

Mr. President stated the question to be on the adoption of the proposed additional section.

Which was not adopted.

Mr. Floyd offered the following as an additional section:

Be it further ordained, That section six of the fifth article of the constitution of the State of Arkansas be, and the same is hereby suspended, and shall so remain suspended until the close of the present war; and the military board herein provided for shall exercise all the powers of the commander-in-chief of the militia of this state.

Mr. Gould moved to lay the amendment upon the table.

Pending which, Mr. Mansfield, on leave, from the committee on state affairs, made the following

REPORT:

Mr. President—

The committee on state affairs to whom was referred a communication from the Arkansas state telegraph company, asking aid in the construction of a line of telegraph from the city of Little Rock to Fort Smith, have considered the same and other propositions of said company, and instructed me to report the ordinance herewith submitted and recommend its passage.

MANSFIELD, *Chairman*,

Which was received, and the accompanying ordinance No. 33, entitled " an ordinance to aid the Arkansas state telegraph company in building a telegraph line from Little Rock to Fort Smith, in said state," was read for information and placed on the calendar.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the sum of ten thousand dollars be, and the same is hereby appropriated out of any money in the treasury not otherwise appropriated, to aid the Arkansas state telegraph company to build a line of telegraph from the city of Little Rock to the city of Fort Smith, in this state.

SEC. 2. *Be it further ordained*, That one-half the sum by this ordinance appropriated shall be granted and paid to said telegraph company as a *bonus* for the construction of said line of telegraph.

SEC. 3. *Be it further ordained*, That the remainder of said sum hereby appropriated, shall be, and the same is hereby granted and advanced to said telegraph company for the purposes aforesaid upon the condition that said company shall repay the same to this state in their service in transmitting and receiving telegraphic dispatches for this state at the usual rates of charges.

SEC. 4. *Be it further ordained*, That fifteen hundred dollars of the sum in the preceding section granted and advanced, shall be paid to said company by the treasurer of this state when the said line of telegraph shall be completed from Little Rock to the town of Lewisburg; in this state; that fifteen hundred dollars of the same shall be paid to said company when said line shall be completed from Little Rock to Clarksville in this state, and the remainder of said sum so advanced, shall be paid to said company when the whole of said line shall be completed and in successful operation.

SEC. 5. *Be it further ordained*, That before any part of the said sum of ten thousand dollars, by this ordinance appropriated, shall be paid or advanced to said telegraph company, the president and contractor of said company shall file with the auditor of state, their bond to the State of Arkansas, in the sum of twenty thousand dollars, with three securities, to be approved by the auditor, and conditioned that said Arkansas state telegraph company shall, within forty days from the passage of this ordinance, procure the necessary wire and begin the construction of said line of telegraph, or in default thereof, shall repay into the treasury of this state the said sum of five thousand dollars, by this ordinance granted, and to be paid to said company as a bonus for the construction of said line of telegraph; and conditioned further, that said company will repay, in the manner by this ordinance provided, to this state, the sum of five thousand dollars, by this ordinance advanced to and to be repaid by said company; and that said company will employ the services of competent and faithful operators in the transmission and reception of telegraphic dispatches on said telegraph wire; and shall give to the telegraphic dispatches of this state priority and preference over all other business; and conditioned further, thet if said telegraph company shall fail to complete and put in successful operation the whole of said telegraph, within the space of four months from the passage of this ordinance, then they shall repay to the State of Arkansas the whole sum of ten thousand dollars, by this ordinance appropriated and granted, or advanced to said telegraph company.

SEC. 4. *Be it further ordained,* That this ordinance take effect and be in force from and after its passage.

On motion of Mr. Flanagin, the convention took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Phillips, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cochran, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Kelley, Lanier, Mansfield, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Turner, Walker, Wallace, Yell and Mr. President—50.

On motion of Mr. Floyd, the papers accompanying the message of his excellency, Gov. Rector, and referred to the committee on state affairs this morning, were referred to the committee on military affairs.

Mr. Floyd then withdrew the amendment offered by him, pending this morning, and in lieu thereof offered the following amendment:

The board shall be governed, in all things, by the rules and articles of war, and laws, as they now exist in the government of the Confederate States of America, and the laws of the State of Arkansas, where their duties are not specified in this ordinance: But so much of the state constitution, and all laws of this state, inconsistent and in conflict with this ordinance, are hereby suspended during the operation of this ordinance.

Which was adopted.

Mr. Lanier offered the following amendment:

"The military board hereby created, shall have no power to send into the field any volunteer or other military force under pay of the state, until the same shall have first been tendered to the Confederate States, and their services shall have been refused, unless in cases of insurrection or invasion. or the state be in imminent danger by delay."

Which was laid upon the table.

Mr. Adams, of Phillips offered to amend the first section by striking out the words "the," in the second line, and "governor and two advisers," in the third line, and insert "three competent and discreet citizens of this state."

Also, by striking out all of the fifth line, including and after the word "said," and all of the 6th line, and insert, "who shall receive for their services the sum of ——— dollars per annum."

Which amendment was lost.

Mr. Hanly moved to amend as follows:

Amend the 2d line of 2d section, as follows:
Strike out the words "all the," and insert "its." Strike out the words "of the board" and "of all," and in the 4th line insert the words "the same" between the words "order" and "to."

Which amendment was adopted.

Mr. Hanly also offered the following amendment:

In the 3d section, 7th line, strike out the words "all the," and insert "such;" in the same line and section, strike out the word "necessary," and insert "as," and in the 11th line, same section, strike out the word "government," and insert "States of America," and in the 12th line, same section, strike out the word "Confederate." And also strike out the words "and as" in the 7th line of the third section.

Which amendment was also adopted.

Mr. Hanly further moved to

Amend the 2d line, 6th section, by striking out the word "them" and insert the word "it," and by striking out the words in same line and section, "of the board," and inserting in lieu of the word "thereof."

Also, to

Amend the 2d line, 7th section, by striking out the word "now," and amend the third line, same section, by striking out the word "now" and insert "hereafter."

Which was adopted.

Mr. Turner offered to amend the 6th section by striking out the word "of," in the first line, and inserting the word "at;" which was adopted.

Mr. Carrigan offered to amend the 6th section by inserting after the word "board," in the first line, the words "when present;" which was lost.

Mr. Tatum moved to amend the first section by striking out the words "to be," in the third line, and inserting the words "said advisers shall be;" which was adopted.

On motion of Mr. Gould, the word "hereafter," in the 3d line of the 7th section was stricken out, and the words "now specially" were restored.

Mr. Batson offered to amend the 6th section by striking out all of said section down to the word "shall," in the second line, and inserting in lieu thereof the following:

That the governor, or either of such advisers, may call a meeting of the board, and two of the members of such board shall constitute a quorum. The governor, when present, shall be the presiding officer at the meetings of said board, and in all matters, by this ordinance entrusted to them, a majority of those present shall rule.

Which was adopted.

Mr. Cypert moved to amend the ordinance by striking out the whole of the 8th section; which motion prevailed.

Mr. Kennard moved to amend the 5th section by striking out the words "so much," in the 4th line, and inserting the words "anything in;" which motion prevailed.

Mr. Lanier offered the following amendment to the ordinance:

The whole military operations, offensive and defensive, of this state, in the impending conflict with the United States, shall be under the chief control and direction of the President of the Confederate States.

Which, on motion of Mr. Yell, was laid on the table.

The question was then stated, by Mr. President, to be on the adoption of the ordinance, as amended.

Upon which Mr. Robinson called for the yeas and nays, which call being sustained, was ordered and had with the following result:

Yeas — Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Crenshaw, Cypert, Cochran, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Mansfied, Parks, Patterson of Van Buren, Ray, Rhodes, Shelton, Smith, Spivey, Stallings, Stillwell, Stirman, Stout, Totten of Arkansas, Totten of Prairie, Turner, Walker, Yell and Mr. President—50.

Nays—Messrs. Adams of Phillips, Bussey, Clingman, Cryer Dollarhide, Hanly, Lanier, Mayo, Murphy, Patterson of Jackson, Robinson, Slemons, Smoote, Tatum and Wallace—15.

So the ordinance, as amended, was adopted.

Mr. Smoote, from the committee on ways and means, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred the several accounts hereto attached, one marked "exhibit A," one "exhibit C," and one "exhibit D," have instructed the undersigned to report back that they have examined said accounts, and find the same correct. That exhibits "A" and "C" are accounts of moneys paid out by Hon. David Walker, on account of telegraphic dispatches, and amount to sum of sixty-seven dollars and sixty-five cents; that said sum is due to him, and the same is hereby recommended. That exhibit "D" is an account due Trumpler & Day for keys and box for state house doors, amounting to two dollars and fifty cents, the payment of which is hereby recommended.

All of which is hereby respectfully submitted.

STALLINGS, *Chairman.*

Which was read and adopted.

On motion of Mr. Gould, the auditor was directed to draw his warrant on the treasurer for the above amounts.

Mr. Stillwell, on leave, presented a memoral of S. H. Tucker & Co., which, on his motion, without being read, was referred to the committee on ways and means.

On motion of Mr. Griffith, the report of the committee to whom was referred a resolution relative to selecting a commissioner to the Indian Nations on our western frontier, was taken up.

Mr. Turner stated that the health of Mr. Bean, the person recommended in said report as a suitable one for such position, would not permit him to accept of such appointment.

Whereupon, on motion of Mr. Johnsen, the name of Capt. Albert Pike was inserted in lieu thereof; and the report as amended was adopted.

Mr. Flanagin offered the following

RESOLUTION:

Resolved, That the military board be requested to inquire as to the necessity of appointing an agent to Indian tribes west of this state, and act as their judgment may suggest.

Which, after discussion, was withdrawn.

Mr. Gould introduced

ORDINANCE No. 34.

AN ORDINANCE *to repeal an act of the General Assembly of the State of Arkansas, approved January* 15, 1861 *entitled "an act to establish nine judicial circuits in this state."*

It is hereby ordained by the people of the State of Arkansas in convention assembled, That an act of the General Assembly thereof, approved January 15, 1861, entitled "an act to establish nine judicial circuits in this state," be, and the same is hereby repealed.

Sec. 2. That all laws and parts of laws which were repealed by said act of the General Assembly, are hereby revived and declared to be in full force and effect.

Sec. 3. This ordinance shall take effect from and after its passage.

Which was read, and

On motion of Mr. Gould, referred to the committee on the judiciary.

Mr. Robinson offered the following

RESOLUTION:

Resolved, By this convention that the committee on the landed interest of the state be instructed to report by bill or otherwise, authorizing the proper authority to make deeds in due form to all lands heretofore sold by the state as swamp and overflowed land, which land has not been heretofore confirmed to the state by the late government of the United States.

Mr. Totten, of Prairie, offered the following as an amendment:

"And also to those lands sold in the United States land offices, which have not been patented thereby."

Which was accepted, and the resolution as amended was referred to the committee on landed interests.

Mr. Hanly offered the following

RESOLUTION:

Resolved, That the commissioner appointed by this convention to the Indian tribes, shall be allowed the sum of five dollars per day as compensation for his services during the time he may be employed in said service, and besides this, shall be reimbursed in all sums he may necessarily expend in the performance of his duties as such commissioner, and that the auditor of the state be, and he is hereby directed to issue his warrant on the treasurer for the same.

Mr. Desha moved to amend the resolution by striking out "five dollars," and inserting "ten dollars, and such mileage as is now allowed to members of this convention."

Which was accepted, and the resolution was, on leave, withdrawn for the present by Mr. Hanly.

Mr. Carrigan moved that the convention proceed to the election of the two advisers provided for by the adoption of ordinance No. 20½.

Which was lost on division.

On motion of Mr. Gould, the convention adjourned until to-morrow morning 9 o'clock.

DAVID WALKER,
President.

* * *

THURSDAY, *May* 16*th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fuller, Garland, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard Hobbs, Hobson, Johnson, Kelly, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—66.

The journal of yesterday was read, approved and signed.

Mr. President presented a communication from the governor which was read, together with a freight account of the steamboat Notrebe, which, upon motion of Mr. Flanagin was referred to the committee on ways and means.

Mr. President also presented a communication from Mr. A.

J. Ward, contractor of the penitentiary, which, upon motion of Mr. Flanagin, was laid upon the table for the present.

On motion of Mr. Flanagin the rules were suspended to go into the election of the military board, provided for in the ordinance passed yesterday.

Mr. Gould moved that the election be by ballot, which motion prevailed, and Messrs. Hanly and Garland were appointed tellers.

Mr. President announced that nominations would be in order, whereupon, Mr. Griffith nominated Dr. L. Gibson.

Mr. Desha nominated Capt. C. C. Danley.

Mr. Hilliard nominated Hon. Samuel W. Williams.

Mr. Smith nominated Hon. Geo. C. Watkins.

Mr. Turner nominated Gordon N. Peay, esq.

Mr. Tatum nominated Hon. B. C. Totten.

There being no further nominations the ballot was taken, and it appeared that Mr. Gibson received 24 votes.

Mr. Danly received 34 votes.

Mr. Williams received 32 votes.

Mr. Watkins received 5 votes.

Mr. Peay received 4 votes.

Mr. B. C. Totten received 33 votes.

Necessary to a choice 34 votes.

It appearing that C. C. Danly had received a majority of all the votes cast, he was declared duly elected as one of the advisers in said military board.

Mr. President then stated that the ballot would again be taken for the election of the remaining member of said board.

Mr. Turner withdrew the name of Gordon N. Peay.

Mr. Hilliard withdrew the name of Sam W. Williams.

Mr. Smith withdrew the name of Geo. C. Watkins.

The ballot being taken it appeared that

Mr. Gibson received 30 votes.

Mr. Totten received 35 votes.

Mr. Williams received 1 vote.

The Hon. B. C. Totten, having received a majority of all the votes cast, was declared duly elected a member of said military board.

Mr. Hanly introduced

ORDINANCE No. 35.

Entitled "an ordinance prescribing an oath to be taken by all military and civil officers, and non-commissioned military officers and privates in the service of this state, and for other purposes."

Which was referred to the committee on the judiciary.

Mr. Smoote offered the following

RESOLUTION:

Resolved, That a copy of the ordinance passed by this convention on the 15th day of May, A. D. 1861, to create a military board for the State of Arkansas, duly signed and certified be furnished immediately to his excellency, Henry M. Rector, by the secretary of this convention, together with the names of the persons elected as advisers thereunder, and also to furnish each such advisers with a copy of said ordinance.

Which resolution was adopted.

Mr. Lanier introduced

ORDINANCE No. 36.

Be it ordained by the people of the State of Arkansas in convention assembled, That in the second line of section 1st. article 7th of the constitution of the State of Arkansas, the words "*without the consent of the owners;*" be, and the same are hereby stricken out, and the section changed so as to read "The General Assembly shall have no power to pass laws for the emancipated slaves."

Which was referred to the committee on judiciary.

On motion of Mr. Kennard, secrecy was removed from ordinance No. 20½.

Mr. Kelley introduced

ORDINANCE No. 37.

Entitled "An ordinance to provide for the holding an election throughout this state to obtain an expression of the people thereof, touching the expediency of adopting or rejecting the permanent constitution of the Southern Confederacy."

Which was referred to the committee on state affairs, without being read.

Mr. Totten, of Arkansas, introduced

ORDINANCE No. 38,

Entitled "An ordinance to define the right of citizenship in the State of Arkansas."

Which was referred to the committee on judiciary without being read.

Mr. Flanagin introduced

ORDINANCE NO. 39,

Entitled "An ordinance to regulate the sale of property on execution."

Which was read, and on motion of Mr. Grace, referred to the committee on the judiciary.

Mr. Tatum offered the following

RESOLUTION:

Resolved, That the committee on the judiciary be instructed to report at as early a day as practicable a general relief law.

Which, on motion of Mr. Gould was adopted.

Mr. Hanly from the committee on judiciary, made the following

REPORT:

Mr. President—

The committee on judiciary, to whom was referred the accompanying ordinance, have had the same under consideration and instruct me to report the ordinance herewith tendered, as a substitute, all of which is respectfully submitted.

HANLY, *Chairman.*

Which report, together with the following ordinance, was read and received, and the ordinance placed upon the calendar.

ORDINANCE No. 40.

An Ordinance *For the relief of such citizens of the State of Arkansas, as may be engaged in the military service of the State of Arkansas, or of the Confederate States.*

Be it ordained by the people of the State of Arkansas in convention assembled, That hereafter no writ of attachment shall issue against the property of any citizen of this state, unless the creditor, or some person for him, shall in the affidavit now required by law, further state and swear that the defendant is not engaged in the military service of the State of Arkansas, or of the Confederate States.

Be it further ordained, That service of any writ or notice, upon a citizen of this state, who is engaged in the military service of this state or the Confederate States, shall be by delivering to such person a true copy of such writ or notice, and such service may be proven by the return of any commissioned military officer of this state or the Confederate States.

Be it further ordained, That it shall be good cause for continuance of any cause pending in any court, that the defendant is in the military service of this state, or the Confederate States, that he has a meritorious defence, and that the same cannot be made without his personal attendance, which facts shall be verified by affidavit of some person for defendant.

Be it further ordained, That all statutes of limitations, and non-claim be suspended in favor of and against every person engaged in the military service of this state or the Confederate States during the time of their service.

Be it further ordained, That no execution shall issue against the property of any citizen of this state while in the military service of this state or the Confederate States, unless the plaintiff or some person for him, shall, at the time of applying for such writ, make and file an affidavit that the property of defendant is about to be removed from the county.

Be it further ordained, That judgments before justices of the peace shall be a lien on personal property, and judgments and decrees of the circuit court shall be a lien on personal property as well as upon real estate.

Be it further ordained, That this ordinance may be repealed in part or in whole by legislative enactment.

Mr. Hanly also made the following report from the committee on judiciary:

Mr. President—

The committee on judiciary instruct me to report the accompanying resolution back to the convention and recommend its adoption.

HANLY, *Chairman.*

Resolved, That this convention should not assume legislative powers further than are necessary as incidents growing out of the change of our federal relations, and providing for the immediate defence of the state by placing her militia upon a war footing.

Which report was read and received, and the resolution placed upon the calendar.

Mr. Hanly, from the same committee, made the following

REPORT:

Mr. President—

The committee on judiciary, to whom was referred the accompanying ordinance, have had the same under consideration, and instruct me to report that they recommend the passage of the ordinance herewith submitted, as a substitute.

HANLY, *Chairman.*

Which report was read and received, and the following ordinance recommended, was placed upon the calendar:

ORDINANCE No. 41.

AN ORDINANCE *To suspend the sale of lands mortgaged to the state to secure stock subscriptions to the Real Estate Bank of the State of Arkansas.*

1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the act of the General Assembly of this state, entitled "an act to aid the foreclosure of the stock mortgages given to secure stock subscriptions to the Real Estate Bank of the State of Arkansas," approved the 16th day of January, 1861, be, and the same is hereby so amended as to prohibit the sale of any and all lands under any decree of foreclosure, under said act, until after the expiration of six months from the time that peace may be declared between the government of the United States and the Confederated States of America.

2. *Be it further ordained*, That any sale made of any lands mortgaged to the Real Estate Bank of the State of Arkansas, to secure stock subscriptions, under a decree rendered in pursuance of the act aforesaid, prior to the time aforesaid, be and the same is hereby declared to be utterly void and of no effect.

SEC. 11. *Be it further ordained*, That this ordinance may be repealed at any time by legislative enactment.

Mr. Hanly, from the same committee, made the following

REPORT:

Mr. President—

The committee on judiciary, to whom was referred the ordinance entitled " an ordinance to amend the third article of the constitution of this state," have had the same under consideration, and instruct me to report that they do not approve the policy of the ordinance in question, thinking, as they do, that the military exigencies of the times do not require the blending of the departments of the government of the state in in the same individual; for your committee feel well satisfied, from their knowledge of the state of popular feeling that is abroad throughout the land, that all the military wants can be supplied without drawing upon those who are in the employment of the state, in either of the other two departments of the government. Whilst your committee are disposed to commend the military zeal and patriotism of their fellow-citizens, they cannot but express their unwillingness to encourage those holding civil offices, belonging to the other departments, to relinquish their service for the purpose of taking upon themselves the performance of military office duties, deriving and receiving pay or compensation for like offices at the same time. Your committee, therefore, in view of these considerations, respectfully recommend to your honorable body not to pass the ordinance in question, but to leave the constitution, in this respect, unchanged.

All of which is respectfully submitted.

HANLY, *Chairman.*

Mr. Smith offered the following

RESOLUTION:

Resolved, That the committee on judiciary investigate and report to this convention as to how far and in what respect the severing of the federal relations of this state with the United States, affects the constitution and laws of this state, and also that said committee report such alterations and amendments to said constitution and laws of this state, in consequence thereof, as in their jndgment may seem proper.

Which was read and adopted.

On motion of Mr. Garland, 75 copies of ordinance No. 40 were ordered to be printed for the use of the convention.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments respectfully report that they have this day compared the enrolled copy with the original of an ordinance, entitled an ordinance to create a military board for the State of Arkansas, and find the same correct.

GRIFFITH, *Chairman.*

Which was received.

On motion of Mr. Totten of Arkansas, the consideration of the ordinances in relation to military affairs was resumed.

Ordinances Nos. 20 and 30 were read, and ordinance No. 23 was included though not read.

Mr. Yell moved to take up ordinance No. 30.

Mr. Fishback moved to amend by taking up ordinance No. 20; which amendment was lost, and the motion of Mr. Yell prevailed.

Mr. Hanly moved to refer ordinance No. 30 to committee of the whole; which motion prevailed.

Mr. Patterson of Jackson offered the following

RESOLUTION:

Resolved, That this convention shall hereafter meet at 9 a. m., and sit till 3 p. m., unless otherwise ordered by a majority of two-thirds.

Which, after some discussion, was withdrawn; and,

On motion of Mr. Hanly, the convention took a recess until 3 o'clock, p. m.

* * *

3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Crenshaw, Carrigan, Clingman, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Hobson, Johnson, Kelley, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Yell and Mr. President—59.

The convention then resolved itself into committee of the whole, to consider of ordinance No. 30, entitled "an ordinance to create a military corps for active service for the State of Arkansas."

After some time spent in such deliberation, the committee rose, and through their chairman, Mr. Gould, reported progress, and asked leave to sit again to-morrow morning 9 o'clock.

On motion of Mr. Clingman, the report was adopted.

On motion of Mr. Johnson, the convention adjourned until to-morrow morning 9 o'clock.

DAVID WALKER,
President.

* * *

FRIDAY, *May 17th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs: Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell andMr. President—66.

The journal of yesterday was read, approved and signed.

Mr. Mansfield offered the following

RESOLUTION:

Resolved, That the president of this convention be requested immediately to inquire, by telegraph, what action has been taken by the government at Montgomery for the defence of the eastern and western frontiers of Arkansas, and to make such suggestions in reference to the condition of these frontiers as he may think proper.

Which, on motion of Mr. Baber, was adopted.

Mr. Turner, on leave, offered the following

ORDINANCE No. 42.

AN ORDINANCE *for the relief of Maj. R. C. Gatlin.*

WHEREAS, Major R. C. Gatlin, of the United States army, while on a recent visit to his friends at Fort Smith, was arrested and made a prisoner of war by the authorities of the State of Arkansas, and released on parole; *Aud whereas*, Major Gatlin is represented to be a true and loyal son of the South, ready and anxious to resign his position in the United States army, and to embark in the service of the Confederate States of America, but is unable to do so, until relieved from his situation as a prisoner of war:

Be it therefore ordained by the people of Arkansas, in convention assembled, That the said Major R. C. Gatlin be, and he is, hereby released from said arrest and imprisonment, and absolved from all the liabilities and obligations incident thereto, and restored to his freedom as fully, in all respects, as if said arrest had never been made.

Which was adopted.

Mr. President presented a memorial, signed by sundry citizens of Van Buren, asking aid to resist threatened invasion of the north-western frontier.

Upon motion of Mr. Smoote, Mr. President was requested to lay said memorial before the military board.

Upon motion of Mr. Mansfield, the convention then resolved itself into committee of the whole.

Mr. Floyd moved that the convention proceed with its duties with open doors; which motion did not prevail.

After some time spent in deliberation, the committee rose, and, through their chairman, Mr. Gould, reported progress, and asked leave to sit again at 3 o'clock, p. m.

Which report was adopted.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments would respectfully represent that they have, on this day, compared the enrolled copy with the original of an ordinance for the relief of Maj. R. C. Gatlin, and find the same to be correct.

S. L. GRIFFITH, *Chairman.*

Which was received.

Mr. Mansfield, on leave, presented a memorial, signed by several sheriffs of counties in this state; which, on his motion, was referred to the committee on ways and means, without being read.

On motion of Mr. Totten, the Convention took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Batson, Bolinger, Bush, Carrigan, Clingman, Crenshaw, Cryer, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Fuller, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Turner, Walker, Wallace, Yell and Mr. President—54.

Mr. Hobbs asked and obtained leave of absence for Mr. Shelton, on account of indisposition.

The convention then resolved itself into committee of the whole, to consider further of the ordinance under consideration this morning.

After some time consumed in deliberation thereon, the committee rose, and, through their chairman, Mr. Gould, reported that it had considered the same, and, with amendments, recommended the adoption of the ordinance.

Which report was adopted.

On motion of Mr. Yell, the ordinance reported was made the special order for to-morrow, after the reading of the journal.

On motion of Mr. Hobbs, the covention adjourned until to-morrow morning, 9 o'clock.

DAVID WALKER,
President.

* * *

SATURDAY, *May* 18*th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Garland, Gould

Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mansfield, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Wallace, Yell and Mr. President—61.

The journal of yesterday was read, approved and signed.

Mr. Cypert asked and obtained leave of absence for Mr. Desha, on account of sickness.

For the same reason, Mr. Hobbs asked and obtained leave of absence for Mr. Shelton; and, also, for like reason, Mr. Bush asked and obtained leave of absence for Mr. Walker.

Mr. President presented the following petition of John D. Adams, a citizen of Pulaski county, Arkansas, praying that certain steamboats of which he was part owner, be excepted from confiscation:

To the President and members
of the convention of the people of Arkansas:

The petition of John D. Adams, a citizen from childhood of Arkansas, and native of Tennessee, respectfully represents:

That six years since, when your petitioner had been about three years engaged in steamboating, and found himself embarrassed with debt, without means successfully to carry on his business, and without a single friend in his own state who was able to assist him, he found such a friend in Thomson Dean, of Cincinnati, in the State of Ohio, who, with a genereus confidence, formed a partnership with your petitioner in the owning and running of steamboats, and furnished him with ample means to carry on that business in Arkansas with energy and success, and your petitioner gratefully acknowledges that to this generous patron he owes all the success he has achieved.

Your petitioner further represents that during the whole time of their partnership, he and the said Thompson Dean have been engaged in carrying the mails in the State of Arkansas, and are still carrying them by steamboats between Little Rock and Memphis' in which business are employed the only two boats in which the said Thomson Dean has any interest with pour petitioner, to-wit: the "Chester Ashley" and "Frederick Notrebe," in which his interest is one-fourth of the former and three-eights of the latter.

Your petitioner further represents that the said Thomson Dean desiring, or being willing at least, to part with that remaining interest, your petitioner shortly before your reassembling, bargained with him for his interest in those two boats, the purchase to date from a settlement made between them about the 25th of Mrch last; and the said Thompson Dean appointed a person in Little Rock to consummate the sale for him, its terms being that your petitioner was to pay him for his interest the sum of seven thousand five hundred dollars, as of the 25th March, 1861.

But your petitioner, apprehensive that if he created this debt it would be confiscated, or at least suspended, upon the dissolution by the State of Arkansas of the compact of union between herself and the others of the United States, has delayed consummating the purchase, and the interest of the said Thomson Dean in said two boats, still continues unchanged.

Your petitioner represents that he could, in anticipation of the withdrawal of Arkansas from the union, have removed the said boats permanently beyond the state, or could have done so at any time since; but as this would have worked injury to the public by stopping the mail service on the Arkansas river, he has refrained from doing so, and he submits that the said Thompson Dean, having, through his confidence in the justice of Arkansas, permitted this to be done, and the state having accepted the services thus rendered, it would be ill faith on her part now to confiscate his interest in said boats thus engaged in her public service.

Your petitioner further represents that although the said Thompson Dean is a resident of the State of Ohio, he is also largely engaged in business in Memphis, in the State of Tennessee, and in Galveston, Texas, and has no desire to withdraw his property from, or cease his business in Arkansas.

In consideration of all of which your petitioner most humbly prays that the people of the State of Arkansas in general convention, will not deem it necessary for the public interest to confiscate the property of his benefactor engaged in their service, but will, by special exception, if necessary, exempt the same from confiscation, and authorize your petitioner to purchase the same, and to pay the debt which shall be so incurred, or to continue said partnership, as to him may seem best; which being granted, your petitioner will continue the said boats upon the Arkansas and Mississippi rivers, between Little Rock and the cities of Memphis and New Orleans, with them render such service to the people of Arkansas in carrying the mails and carrying munitions of war, as the authorities of the state may require, and as in duty bound will ever pray.

JOHN D. ADAMS.

Little Rock, May 18, 1861.

Which was read.

Whereupon, Mr. Floyd introduced the following

ORDINANCE No. 43.

An Ordinance *for the relief of John D. Adams.*

Be it ordained by the people of the State of Arkansas in convention assembled, That all the steamboats, either commanded or owned in whole or part, by John D. Adams, a citizen of the county of Pulaski, in the State of Arkansas, be, and the same are hereby made exempt from all and every kind of seizure or confiscation, by any person or persons whatever: and that said Adams shall not be molested in the enjoyment of the use of his boats by any person or authority of this state.

Which was read and adopted.

Mr. Graves, from a select committee, appointed to enquire into certain claims for storage, drayage, etc., incurred in seizing government stores at Pine Bluff, returned the papers and moved that they be referred to the committee on military affairs.

Mr. Johnson, from a select committee, made the following

REPORT:

Mr. President—

The select committee to whom was referred the resolution indorsing the action of the citizens of Pine Bluff, Helena and Napoleon in the seizure of certain boats and cargoes, have instrucel me to return the same and recommend its passage. The committee would further recommend that said property be taken possession of by said convention. The committee have failed to receive as full information as they would have desired, as to the amount of property taken. The report of Col. W. Warner Johnson of an account taken at Napoleon is herewith submitted.

JOHNSON, *Chairman.*

List of property seized at Napoleon, Arkansas, by order of Col. W. Warner Johnson.

119,000 catridges—property of the United States government.
20 boxes cavalry equipments do do

This property has since been sent to Little Rock, by order of brigadier general James.

One steamboat, called the "Ohio Belle," of about 1000 tons burden, in good order, and well suited for the transportation of troops and supplies, having an excellent cabin, and the lower deck filled with bunks; she can transport comfortably 2000 troops. Her estimated value $15,000. The cargo consists of 1500 sacks salt, worth $2,000.

Also, the steam boat "Hetty Gillmore," about 100 or 150 tons burden, nearly new, and well adopted for the navigation of the White and Arkansas rivers, worth from $8 to $10,000. She has an assorted cargo of produce, flour, etc., supposed to be worth $4 or $5000. The above boats papers show that they were owned by citizens of cincinnati, and for that reason are seized for the benefit of the State of Arkansas, and are now held at Napoleon, subject to the order of the executive.

W. WARREN JOHNSON,
Col. 6th Reg. A. M.

Mr. Fishback, from said committee, made the following minority

REPORT:

The undersigned, one of the select committee appointed by your honorable body to inquire into the seizure and confiscation of the boats "Mars," "Hetty Gillmore," "Ohio Belle," and "Queen of the West," together with certain private property connected therewith, differing from his fellow-committemen as to the propriety of said seizure, would beg leave respectfully to submit the following as a minority

REPORT:

The facts into which your committee were called to inquire so far as they have been able to gather them, are as follows:

Mars and Queen of the West seized about the last of April. So much of the cargo of both as belonged to citizens of northern states, transported to Mars and still retained. The Queen of the West released. Mars belongs to citizens of Cincinnati.

Boat Hetty Gillmore, owned by citizens of Cincinnati; seized in the latter part of April last, together with certain private property, owned by citizens of same city.

Boat Ohio Belle, also seized about same time and owned by citizens of Cincinnati, having certain private property as well as some property belonging to the government of the United States.

The undersigned fully appreciating and earnestly disposed to encourage the patriotic motives which induced the captors of the boats Mars, Hetty Gillmore, Queen of the West and Ohio Belle, together with the private property accompanying them, would yet respectfully suggest to your honorable body, that in the limited research, the undersigned has been able to afford the subject, he has been wholly unsuccessful in finding in the rules which govern modern civilized warfare, even one *approved* precedent for the confiscation of property strictly private, and in no sense contraband of war, and especially of such property found within the limits of the belligerent before or at the time of the declaration of war. And apart from precedent, a decent regard for the opinions of mankind, not less than considerations of enlightened humanity and of sound policy, demand, in the humble judgment of the undersigned, that when nations are at war, all the rights of private individuals, whether of person or of property, should be rigidly observed, except perhaps in cases of absolute necessity, or of urgent expediency. Nor is it any answer at all to a position so just, and which so commends itself to our sense of right, that our enemy are pursuing a different course.

The undersigned finds himself unable to appreciate either that system of ethics or the reasonings upon which it is based, which makes the conduct of others the rule of our own.

The lex-talionis, before the lights of religion and the humane demands of our enlightened civilization, is, and surely it is not to be deplored that it is, fast failing of its efficacy, as a plea before the tribunal of an enlightened public opinion. If, indeed, there be a difference between savage and civilized warfare which deserves to be termed characteristic, it consists in that it is the constant aim of the latter to effectually circumscribe with checks and restraints all those unholier passions of our nation to which the law of retaliation gives at once vitality and scope. To conduct a war, and more especially a civil war upon terms in which our feelings of revenge find no restraint, and individual rights no protection from the hand of encouraged plunder, would be to inaugurate a system of warfare as cruel and unjust in its nature, as it would be devastating in its consequences.

And the undersigned is equally at a loss to understand that it is at all consistent with sound and enlightened policy for belligerent nations thus wantonly to invade the sanctity of private rights, when in no sense, or in no adequate sense, necessary for the objects of the war. Neither the advantage accruing to the belligent, nor the injury befalling the enemy can possibly compensate the enervating effects which an outraged public opinion, not less than a consciousness of having done violence to our own sense of right, is but sure to superinduce. It but nerves our enemy while it but weakens ourselves!

In the present instance the boats and property alluded to were in our midst before war had been formally declared under the plighted public faith, and by virtue of that entire freedom all civilized nations are so disposed to extend to commercial intercourse. The mere pecuniary value, therefore, lost to the one side, or gained by the other, constitute the least important consideration connected with this, as the undersigned is forced to regard it, most unfortunate seizure.

But the undersigned feeling that he would be performing but a superfluous work to do more than to call the attention of your honorable body to conclusions so entirely consonent with all our ideas of national duty, would, without further discussion, recommend the passage of the following

RESOLUTIONS:

Resolved, That the governor of the State of Arkansas be, and he is hereby ordered to cause a schedule of the boats above mentioned, and the property captured with them, belonging to private individuals, and not contraband of war, and that the same be, and is hereby restored to their proper owners.

Resolved, That if circumstances have rendered it impossible to return the property itself, the governor be, and he is hereby authorized to have the same appraised by three householders, and to give the owners a full equivalent therefor from any moneys in the state treasury not otherwise appropriated.

Respectfully submitted, etc.,

W. M. FISHBACK.

Which was read.

Mr. Tatum moved to lay the minority report on the table.

Upon which Mr. Fishback called for the yeas and nays, which call was sustained, ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Baber, Batson, Bush, Bussey, Carrigan, Clingman, Crenshaw, Cryer, Cochran, Desha, Dollarhide, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobson, Johnson, Kennard, Lanier, Mayo, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Tatum, Totten of Arkansas, Wallace, Yell and Mr. President—47.

NAYS—Messrs. Bolinger, Campbell, Cypert, Dinsmore, Dodson, Fishback, Griffith, Gunter, Hobbs, Kelley, Mansfield, Murphy, Parks, Stout, and Turner—15.

So the minority report was laid on the table.

On motion of Mr. Stillwell, the report of the majority was adopted.

Mr. Floyd, from the committee on ways and means, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred the claim of the steamer Frederic Notrebe, for transportation of military stores from the city of Pine Bluff to Little Rock, for the sum of $623 03, which account having been certified to by the commissary general.

Also the claim of Sterling H. Tucker & Co., for the sum of $859 62, it being for clothing furnished to the 1st Arkansas regiment, destined for service in Virginia, and certified to be correct by the colonel commanding, Jas. F. Fagan.

The committee having had the same under consideration and recommend the payment of the two several claims, and that the president of this convention is hereby required to certify on each claim to the auditor of public accounts, that he be directed to pay the same out of any money in the state treasury not otherwise appropriated.

All of which is respectfully submitted.

STALLINGS, *Chairman*

The question being stated on division, the first of said report was adopted; and

On motion of Mr. Johnson, so much of the report as related to the claim of Mr. Tucker, was recommitted to the committee on ways and means.

Mr. Stallings, from the same committee, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred the several accounts hereto attached, and marked "exhibit A" and "B," have instructed the undersigned to report that they have examined said accounts and find them correct. That said exhibits are accounts of telegraphic dispatches sent to Hon. David Walker, in accordance to the instructions of this convention, and amount to the sum of $47 20, the payment of which is hereby recommended.

All of which is respectfully submitted.

STALLINGS, *Chairman*.

Which was read and adopted.

Mr. Hobson, on leave, introduced

ORDINANCE No. 44.

AN ORDINANCE *to authorize the governor to commission certain military officers, and for other purposes.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the governor of the State of Arkansas is hereby authorized to commission all the officers elected by the volunteer regiment, "Arkansas Rifles," without regard to any law of the State of Arkansas concerning elections, upon the presentation to him of the names of said officers and their grades of office, and so soon as they are commissioned he will tender said regiment to the President of the Confederate States, to be employed under his command, as a regiment of the Confederate States.

Be it further ordained, That ten thousand dollars be appropriated out of any money in the treasury unappropriated, to be paid to the colonel of the regiment of volunteer "Arkansas Rifles," now being organized in the State of Arkansas, for the Confederate States, and to be by him advanced to said volnnteers, in sums of twelve dollars to each private and non-commissioned officer.

Be it further ordained, That said sum shall be advanced as a loan, and be repaid by said volunteers out of the first payment made to said volunteers by the Confederate States, and the colonel of said regiment is hereby made an agent to collect and transmit the same to the treasurer of this state.

Be it further ordained, That upon the receipt of said sum of money by the colonel of said regiment, he shall execute a receipt acknowledging the same, and engaging to use all reasonable exertions to collect from said volunteers the said sum of money, and pay it into the state treasury.

Be it further ordained, That the said colonel shall take receipts from said troops for said sums advanced, promising to refund the same out of the first payments as aforesaid.

Which was read.

Mr. Flanagin offered to amend by adding to the ordance

ORDINANCE No. 45.

AN ORDINANCE *to organize a regiment of volunteer infantry to be called the third regiment.*

Be it ordained, That a regiment of volunteers, to be composed of one company from Columbia county, one company from Hempstead county, one company from Johnson county, one company from Arkansas county, one company from Dallas county, one company from Pike county, one company from Hot

Spring county, and two companies from Prairie county, and one company from Bradley county, shall be authorized to meet at their respective parade grounds, and tender their services to the governor of this state. A company of infantry each to include not less than sixty-four privates and non-commissioned officers, to serve when and where they may be directed.

Be it further ordained, That each of said companies may at the same time vote for a colonel for said regiment, and make returns of the same to the governor of this state, who shall commission the person so elected colonel of said regiment; *Provided,* Said election shall be held by the first day of June next, and the returns be made by the fifteenth day of June next.

Be it further ordained, That no pay shall be received by said regiment until it shall be mustered into the service ef the state or Confederate States.

Which was accepted.

Mr. Dollarhide offered to amend:

Amend by striking out one of the companies from Prairie county, and insert "one company from Sevier county."

Mr. Batson then offered the following ordinance No. 46, as a substitute for the ordinance and amendment:

Be it ordained by the people of the State of Arkansas, That the military board of the State of Arkansas may accept such number of volunteer companies as may be deemed necessary, and organize the same into battalions and regiments in such manner as said board may think proper.

On motion of Mr. Gould, the ordinance, amendment and substitute were laid upon the table.

Mr. Flanagin offered the following

RESOLUTION:

Resolved, That this convention will not, hereafter, consider any matter of detail which may be properly disposed of by the military board or other constituted authorities.

Mr. Hobson moved to amend by saying "that there be no suspension of rules for any purpose whatever."

Which was decided to be out of order.

Mr. Clingman offered the following as a substitute for the

RESOLUTION:

Resolved, That this convention will not hereafter consider any local matter that may be disposed of by any other functionary of this state, except the legislature.

Which on motion of Mr. Smoote, was laid on the table.

Mr. Flanagin's resolution was then adopted.

On motion of Mr. Gould, ordinance No. 30 was taken up and read

Mr. Gould moved to postpone it indefinitely.

After some discussion, the question being stated on indefinite postponement, Mr. Yell called for the yeas and nays, which call being sustained was ordered and had, with the following result:

YEAS—Messrs. Adams of Phillips, Batson, Flanagin, Floyd, Fuller, Gould and Johnson—7.

NAYS—Messrs. Adams of Izard, Austin, Baber, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fort, Garland, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Wallace, Yell and Mr. President —52.

So the motion to postpone did not prevail.

Mr. Lanier moved to amend the ordinance by adding the following proviso:

Nothing in this ordinance, or any other ordinance passed by this convention, or in any law or the constitution of this state, shall authorize the employment of an armed force in the actual service of this state, unless it shall be, first, to meet an emergency which shall be so urgent as to preclude provision being made for it by the Confederate States of America, so long as the state shall be a member of the same, or to provide an essential defence when the Confederate States shall neglect or refuse to provide for it, or to suppress an insurrection or repel an invasion.

Mr. Johnson offered the following

ORDINANCE NO. 47,

Which he introduced as a substitute for ordinance No. 30, and the amendment:

AN ORDINANCE *concerning the Militia of this State.*

Be it and it is hereby ordained by the people of the State of Arkansas in convention assembled:

SEC. 1. That the military board be, and they are, hereby required, at once, fully to organize and prepare for active field service the militia of this state, in manner now provided by law and the ordinances of this convention.

SEC. 2. *Be it further ordained*, That chapter 113, of Gould's Digest of the laws of this state be and the same shall remain in force in this state, and shall govern said military board, except so far the same may be in conflict with the provisions of this ordinance, and the ordinances heretofore adopted by this convention.

SEC. 3. *Be it further ordained*, That the military board shall establish and constitute general regimental courts martial, possessing the powers necessary to compel observance of militia duty and law by fine and imprisonment; *Provided*, That company courts martial shall have jurisdiction only of privates and non-commissioned officers. Regimental, of company officers and privates. General court martial, of all officers and offences against military law. Company, may fine any sum not over ten dollars. Regimental, any sum not more than fifty dollars, with power to reduce to the ranks. General courts martial, any sum not more than one hundred dollars, with power to cashier or reduce to the ranks. Fines assessed by the courts martial shall have the same force and effect as judgments of the circuit court, and shall be collected by execution issued from the court to the sheriff of the county, and made returnable to the court at such time as they may appoint, and no stay or delivery bond shall be allowed. When in actual service, the militia shall be subject to the laws and regulations governing the regular army of the Confederate States; shall fix and determine the rank of all officers, prescribe the uniform, arms and equipments of the militia so organized; *Provided*, That volunteer companies now established shall for the present, if enrolled in the militia, be permitted to retain the uniforms they have adopted; shall in general have the control and regulation of the discipline and organization.

SEC. 4. The staff of field officers shall be the same in the militia as they are now by law constituted in the army of the Confederate States, and the officers shall themselves select and appoint their own staff.

SEC. 5. Each county shall provide an armory for the deposit of the arms issued to the companies organized therein, which armory shall be located at the county seat, or principal town in said county, and placed in charge of the company or companies, therein formed, subject to the inspection of the county court, or the presiding judge thereof. And it shall be the duty of said court, twice each year, to inspect said armory and report its condition to the commanding officer of the regiment.

SEC. 6. The commissioned officers of each company shall execute to the state a good and sufficient bond, with security, to be approved by the presiding judge of the county court, in double the value of the arms issued to the company, conditioned that they will safely keep and return said arms in good order, when called for by the state; which bond shall be filed in the office of the auditor of public accounts.

SEC. 7. That there shall be no restriction as to the number of volunteer companies that may be formed in any county in this state, and so much of section 57, of chapter 113, of Gould's Digest, as conflicts with this ordinance is hereby abrogated and annulled.

SEC. 8. All fines assessed and collected by company courts martial shall be retained for the company, and appropriated to such ends, consistent with its object, as a military company, as it may deem proper. Fines assessed and collected by division, brigade, and regimental courts martial shall be paid into the military fund.

And it is hereby further ordained, That the whole military force of this state is hereby tendered to the Confederate States of America, to be put into the field at such time and under such command as the proper authorities thereof may determine.

Leave being given, Mr. Cypert presented a memorial from citizens of Prairie county, asking relief for judgment creditors, together with

ORDINANCE No. 48.

Entitled "an ordinance for the relief of judgment creditors in this state."

Which without being read, was, on motion of Mr. Cypert, referred to the committee on judiciary.

On motion of Mr. Yell, the convention took a recess until 3 o'clock, p. m.

3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cochran, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Lanier, Mansfield, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Wallace, Yell and Mr. President—58.

Mr. Mayo, on leave, offered the following

RESOLUTION.

Resolved, That Mr. D. W. Davis be allowed a seat on this floor upon the injunction of secrecy, that is imposed on members of this convention.

Which was lost.

Mr. Patterson of Jackson presented a communication from the central bureau for military supplies at Nashville, relative to the manufacture of powder.

Which was read and referred to the committee on military affairs.

The question was then stated to be on the substitute, ordinance No. 47, offered by Mr. Johnson, for ordinance No. 30.

Mr. Yell moved to lay the substitute upon the table; which motion prevailed.

The question was then stated to be on the adoption of the amendment offered by Mr. Lanier.

Upon which, Mr. Lanier called for the yeas and nays, which being sustained, was ordered and had with the following result:

YEAS—Messrs. Adams of Phillips, Baber, Bolinger, Bush, Clingman, Crenshaw, Cryer, Cypert, Dollarhide, Fishback, Flanagin, Floyd, Garland, Gould, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Lanier, Mayo, Patterson of Jackson, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Wallace and Mr. President—34.

Nays—Messrs. Adams of Izard, Austin, Batson, Campbell, Carrigan, Cochran, Dinsmore, Dodson, Garland, Grace, Griffith, Gunter, Hawkins of Sevier, Mansfield, Murphy, Parks, Patterson of Van Buren, Ray, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner and Yell—27.

So the amendment was adopted.

The first section was then read.

Mr. Grace moved to amend by inserting, after the word "shall," in the third line, the words, "recognize the governor as commander-in-chief."

Mr. Grace moved its adoption.

Mr. Floyd moved to lay it upon the table.

Upon which, Mr. Grace called for the yeas and nays, which was sustained, ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cochran, Desha, Dinsmore, Dodson, Flanagin, Floyd, Fort, Garland, Griffith, Gunter, Hanly, Hill, Hilliard, Hobbs, Johnson, Kelley, Kennard, Lanier, Mansfield, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Turner and Mr. President—42.

Nays—Messrs. Cryer, Dollarhide, Gould, Grace, Hawkins of Ashley, Hawkins of Sevier, Mayo, Ray, Rhodes, Robinson, Slemons, Smoote, Tatum, Totten of Arkansas, Wallace and Yell—16.

So the amendment was laid on the table.

Before the result was announced, Mr. Clingman asked and obtained leave to change his vote, and have the following explanation spread upon the journals:

I vote "no" with the following

EXPLANATION:

I was opposed to the ordinance establishing a military board, as the journals will show; I am opposed to a plural *military* head, and I believe the two advisers would be a sufficient check, as they would stand between the executive and treasury.

Mr. Totten of Prairie asked to be and was excused from voting.

Mr. Mayo offered the following amendment:

3d line of section, after the words "which corps shall," insert "the governor, as commander-in-chief, subject to the control and direction of the military board established by this convention."

Mr. Johnson moved that the ordinance and amendments be referred to a select committee of five.

Which motion was lost on a division.

Mr. Patterson of Jackson moved to adjourn until 9 o'clock, Monday.

Which was lost on division.

Mr. Floyd moved to lay the ordinance and amendment on the table, and called for the yeas and nays; which being sustained, was ordered and had with the following result:

Yeas—Messrs. Adams of Phillips, Batson, Clingman, Flanagin, Floyd, Fuller, Gould, Hanly, Hill, Johnson, Patterson of Jackson, Totten of Prairie and Wallace—13.

Nays—Messrs. Adams of Izard, Austin Baber, Bolinger, Bush, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fort, Garland, Grace, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Yell and Mr. President—47.

So the ordinance and amendment were not laid on the table.

The question was then stated to be on the adoption of the amendment.

Mr. Cryer moved to adjourn until 9 o'clock, Monday morning; which did not prevail.

Mr. Austin moved to lay the amendment upon the table; which motion prevailed.

Mr. Hanly offered the following amendment:

Amend the 1st section by striking out the words "one major general," and in the 9th and 10th lines; also by striking out all of the 1st section after the word "the" in the first line.

Mr. Yell moved to lay the amendment on the table.

On which, Mr. Adams of Phillips called for the yeas and nays.

Whereupon, Mr. Hanly called for a call of the convention; which being had, it appeared that Messrs. Fishback, Garland, Hobson and Spivey were absent without permission.

On motion of Mr. Murphy, the sergeant-at-arms was dispatched for the absentees, and consideration of ordinance No. 30, was suspended.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined an ordinance for the relief of John D. Adams, and have instructed me to report the same correctly enrolled.

GRIFFITH, *Chairman*.

Which was received.

After the expiration of a few minutes, it appeared that some of the absentees were within the bar of the convention.

Mr. Carrigan withdrew the call.

Mr. Yell withdrew his motion to lay on the table.

Mr. Johnson moved the adoption of the amendment.

On which Mr. Johnson called for the yeas and nays; which being sustained was ordered and had with the following result:

Yeas—Messsrs. Adams of Phillips, Batson, Bolinger, Bush, Clingman, Dinsmore, Fishback, Flanagin, Floyd, Fuller, Gould, Griffith, Gunter, Hanly, Hill, Hilliard, Hobbs, Johnson, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Robinson, Smith, Spivey, Stillwell, Stirmin, Turner and Mr. President—30.

Nays—Messrs. Adams of Izard, Austin, Baber, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Cochran, Desha, Dodson, Dollarhide, Fort, Garland, Grace, Hawkins of Ashley, Hawkins of Sevier, Hobson, Kelley, Kennard, Lanier, Ray, Rhodes, Slemons, Smoote, Stallings, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Wallace and Yell—32.

So the proposed amendment was not adopted.

On motion of Mr. Flanagin, the convention adjourned until Monday morning 9 o'clock.

DAVID WALKER,
President.

MONDAY, *May 20th*, 1861.

Convention met pursuant to adjournment.

Prayer by Rev. Mr. Stanley.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Crenshaw, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Fuller, Garland, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkanscs, Totten of Prairie, Turner, Wallace, Yell and Mr. President—64.

Mr. Tatum asked and obtained leave of absence for Mr. Bussey.

Mr. Bush asked and obtained leave of absence for Mr. Walker.

Journal of Saturday read, approved and signed.

Mr. Stallings presented a memorial from citizens of Conway county, asking for the passage of a stay law, which, upon his motion, without being read, was referred to the committee on judiciary.

On motion of Mr. Adams, of Phillips, a committee of five were appointed by the president, consisting of Messrs. Adams of Phillips, Dinsmore, Desha, Turner and Garland, to wait upon and confer with General McCollough.

Whereupon, Mr. Robinson offered the following

RESOLUTION:

Resolved, That the committee be instructed to invite Gen. McCollough to a seat and address the convention, if he so desires.

Which was adopted and the committee instructed accordingly.

On motion of Mr. Yell, the consideration of ordinance No. 30, was then resumed.

The first section was read.

Mr. Gould moved to amend by adding to the section:

"*Provided*, That neither the major-general nor any member of his staff shall receive pay unless in actual service, by order of the military board."

Which was adopted.

Mr. Mayo offered to amend by inserting after the word "incompetent," in 15th line of engrossed ordinance:

"But shall be outranked by any brigadier general of the Confederate States."

Which, on motion of Mr. Yell, was laid on the table.

Mr. Patterson, of Jackson, moved to amend by striking out in the 1st section—"under the direction of," and insert, "when ordered to do so by."

Which was adopted.

Mr. Smith offered to amend by inserting the words "recognize the governor as commander-in chief," immediately thereafter insert "and," afterward strike out "of one major general and" and insert "of." then strike out all after the word "incompetent."

Mr. Floyd moved to lay the amendment on the table, on which Mr. Smith called for the yeas and nays, which being sustained, was ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Crenshaw, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Fuller, Garland, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hobson, Kelley, Kennard, Lanier, Parks, Patterson of Jackson, Patterson of Van Buren, Ray Slemons, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Yell and Mr. President—42.

Nays—Messrs. Adams of Phillips, Clingman, Cryer, Gould, Grace, Griffith, Hanly, Hill, Hilliard, Hobbs, Jester, Johnson, Mansfield, Mayo, Murphy, Rhodes, Robinson, Shelton, Smith, Spivey and Wallace—21.

So the amendment was laid on the table.

Mr. Yell moved the adoption of the section.

Mr. Adams, of Phillips, moved to amend by striking out the words "to be," in the 11th line of engrossed copy, and insert "heretofore."

Mr. Turner offered to amend the amendment by inserting after "major general," in the 10th line, "to be elected," which was accepted, and the amendment was adopted.

The question was then stated on the adoption of the section on which Mr. Johnson called for the yeas and nays, which was sustained, ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Austin, Bolinger, Bush, Campbell, Carrigan, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Fort, Garland, Grace, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hobbs, Hobson, Kelley, Kennard, Lanier, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner and Yell—40.

Nays—Messrs. Adams of Phillips, Batson, Clingman, Cryer, Flanagin, Floyd, Fuller, Gould, Hanly, Hill, Hilliard, Jester, Johnson, Mansfield, Mayo, Murphy, Patterson of Jackson, Shelton, Smith, Spivey, Totten of Prairie, Wallace and Mr. President—23.

So the first section as amended, was adopted.

The 2d section was then read.

On motion of Mr. Kennard, the 2d section was stricken out.

The 3d section was then read.

Mr. Gould moved to amend:

Strike out the words "then shall be due," add the word "the" "before brigadier, and strike out word "who," in line 6, add "heretofore," between words brigadier and general.

Which was adopted.

Mr. Smoote offered to amend by adding:

"But neither of said brigadier generals or their staffs, shall receive pay as such unless in actual service, by order of the military board, or the major general, under the direction of the military board, or this convention.

Which was adopted.

The section was then adopted.

The 4th, 5th, 6th, 7th and 8th sections were then respectively adopted.

Mr. Kennard moved to amend the 9th section by striking out all down to and including the word "major," in the 7th line, and substituting in its stead the following:

"Each artillery regiment shall consist of the same number of companies as are required of infantry or cavalry. Its officers shall be one colonel, one lieutenant colonel, and one major, who shall be elected according to the provisions of section six.

Which was adopted.

The section as amended was then adopted.

Sections 10 and 11 were then respectively adopted.

Mr. Hanly offered the following additional section after section 11:

Sec. 21. *Be it further ordained*, That in case it shall be necessary to make a draft from the militia to obtain the required number of troops for service, under this ordinance, or any other ordinance which has been or may hereafter be adopted, the military board heretofore created shall have the power to prescribe the manner and mode in which said draft shall be made.

Mr. Gould moved to reconsider the vote adopting the 10th section; which motion was lost on division.

Mr. Hanly offered to amend by adding the following sections to the ordinance, between the 13th and 14th sections:

SECTION 14. *Be it ordained by the people of Arkansas in convention assembled,* That the county courts of this state be, and they are hereby empowered to set apart and appropriate as a fund for the relief and support of the families of volunteers while in actual service, when from affliction or indigence such relief may be necessary, so much of the special tax which the said courts are authorized to levy by an ordinance adopted by this convention on the eleventq day of May, A. D., 1861, entitled "an ordinance to levy a tax for military and other purposes," as in the judgment of either of said courts may be necessary to constitute the relief fund herein contemplated; *Provided,* That the fund raised and appropriated shall, in all cases, be expended for the benefit of families of volunteers residing in the county where the same is raised; and the collector of revenue shall receive no compensation for collecting the tax provided for by said ordinance above referred to.

SEC. 15. *Be it further ordained,* That the county courts be authorized to issue county scrip, anticipating the tax necessary to effect the objects of the preceding section.

SEC. 16. *Be it further ordained,* That the county courts of this state be, and they are hereby authorized and empowered to appoint and raise semi-annually, a home guard of minute men, whose term of service shall be for three months in their respective limits, to consist of companies of not less than ten for each township, whose officers, when elected by the companies respectively, shall be commissioned by the county courts, and whose duty it shall be to see that all slaves are disarmed, to prevent the assemblage of slaves in unusual numbers, to keep the slave population in proper subjection, and to see that peace and order are observed; the home guard of minute men shall be armed and equipped by each county, at its own expense, out of the tax provided for by said ordinance, to levy a tax for military and other purposes," and compensation may be made to said guard out of said tax, if, in the discretion of the county court, such compensation should be made. The home guard shall assemble in their respective townships to take precautionary measures at least once in each week, at the call of the commanding officer, and shall be momentarily ready for service at his call; persons engaged in this branch of duty shall, upon failure to obey the call to duty by the commander, forfeit not less than one dollar nor more than five dollars for each offence, to be collected in the name of the presiding judge of the county court, before any justice of the peace, to be applied by the county court in defraying the expenses of this branch of the public service, unless it shall be shown that such failure was the result of sickness or other good cause. A general commander shall be appointed for each county by the several county courts, whose duty it shall be, when necessary, to take charge of all the home guard minute men in his county and direct their operations; and the county court is authorized to issue county bonds or scrip for the purpose of raising money immediately to meet the expenses contemplated by this section.

Mr. Gould moved to amend the amendment offered by Mr. Hanly, by adding "and all funds so paid out by any counties for the maintenance of families, shall be refunded out of the state treasury.

Which amendment, after some discussion, was withdrawn.

Mr. Smoote moved to lay the amendment of Mr. Hanly upon the table; which motion prevailed.

Mr. Cypert, on leave, called up said amendment from the table, and on his motion, it was referred to the committee on the judiciary.

Mr. Gould moved to amend section 15, by striking out the words "null and void," and insert the words "suspended during the continuance of this ordinance,"

Mr. Patterson, of Jackson, moved to amend the amendment as follows:

"And that this ordinance shall only be in force for and during the war; after which it shall be subject to repeal by the legislature of the State of Arkansas."

Which amendment was accepted, and the amendment so amended was adopted.

Mr. Totten, of Prairie moved to amend the ordinance by striking out section thirteen, and inserting the following:

"Standing armies being dangerous to republican government, shall not be allowed or retained in time of peace."

Which, upon motion was laid upon the table.

Mr. Mayo moved to amend by inserting before the word "service," in the 13th section, the word "active;" which was adopted.

Mr. Patterson, of Jackson, offered to amend by striking out the word "active," in the 13th section, and inserting the word "actual;" which was likewise adopted.

Section 13, as amended, was then adopted.

Mr. Stillwell offered the following additional section:

SEC. 14. *Be it further ordained*, That there shall not be any limitation of the number of volunteer companies in any county in this state, and the governor shall issue commissions to the officers of all volunteer companies organized in the state.

Mr. Totten, of Prairie, offered the following amendment to the additional section:

"But they shall remain under the authority and command of the respective field officers of the county or regiment to which they belong; *Provided, however*, That they shall be authorized to form themselves into separate regiments, or battalions, until they shall be called into actual service, when they shall elect their field officers as hereinbefore provided, up to the grade of colonel inclusive, and this without regard to the particular brigades or divisions from which they came."

Which amendment was accepted, and the additional section, as amended, was passed.

Mr. Kennard moved to substitute for the title of the ordinance the following: "An ordinance to provide for the organition of an efficient military corps for active service, and for the election of certain officers;" which substitute was adopted.

The question was then stated to be upon the adoption of the ordinance, as amended.

On which Mr. Hanly called for the yeas and nays, which call being sustained, was ordered to be had, with the following result:

YEAS—Messrs. Adams of Izard, Austin, Bolinger, Bush, Campbell, Carrigan, Crenshaw, Cypert, Cochran, Desha, Dinsmore, Dodson; Dollarhide, Fort, Griffith, Gunter, Hawkins of Ashley, Hawkins of Sevier, Hobbs, Hobson, Kelley, Kennard, Lanier, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner and Yell—39.

NAYS—Messrs. Adams of Phillips, Batson, Clingman, Cryer, Flanagin, Floyd, Fuller, Gould, Grace, Hanly, Hill, Hilliard, Jester, Johnson, Mansfield, Mayo, Murphy, Patterson of Jackson, Smith, Spivey, Totten of Prairie, Walker, Wallace and Mr. President—24.

So ordinance No. 30, as amended, was adopted.

Mr. Hawkins, of Ashley, offered the following

RESOLUTION:

Resolved, That this convention proceed at once to elect one major general for the State of Arkansas, by *vivè voce.*

Which, upon motion of Mr. Floyd, was laid upon the table.

Mr. Johnson introduced the following:

ORDINANCE No. 49.

AN ORDINANCE *concerning sales by sheriffs or constables for the collection of debts.*

Be it ordained by the people of Arkansas in convention assembled, That all sales by sheriffs or constables, for the collection of debts, are hereby suspended until the further action of this convention in relation thereto.

Be it further ordained, That all bonds for the delivery of property, levied upon by execution, shall be returnable in accordance with, and, in all things, be subject to the laws now in force.

Be it further ordained, That this ordinance shall be published in the Little Rock True Democrat and Gazette, and take effect from and after its passage.

Which was adopted.

Upon motion of Mr. Robinson, the convention adjourned until to-morrow morning 9 o'clock.

DAVID WALKER,
President.

* * *

TUESDAY, *May* 21*st*, 1861.

Convention met pursuant to adjournment

Roll called

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber,

Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochan, Dinsmore, Dodson, Dollarhide, Echols, Flanagin, Fort, Fuller, Gould, Grace, Griffith, Gnnter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—62.

Mr. Tatum asked and obtained leave of absence for Mr. Bussey, on account of sickness.

Mr. Stillwell asked and obtained leave of absence for Mr. Garland, for the same reason.

Mr. Echols tendered a verbal resignation of his position as a delegate to this convention from the county of Calhoun; which, upon motion of Mr. Patterson, of Jackson, was accepted.

Mr. Hanly from the committee on judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred an ordinance entitled "an ordinance prescribing an oath to be taken by all military and civil and non-commissioned military officers or privates, in the service of this state, and for other purposes," have had the same under consideration, and instruct me to report that with the addition of sections eight, nine and ten, to the ordinance referred to therein, they beg leave, respectfully; to recommend its passage, believing, as they do, that such an ordinance is indispensable under the exigencies existing at this time throughout the state.

All of which is respectfully submitted, and your committee ask to be discharged from further consideration of the ordinance in question.

HANLY, *Chairman*.

Which report was adopted.

The following were the additional sections recommended by the committee:

Sec. 8. *Be it further ordained*, That all the officers, civil and military, within the city of Little Rock, at the passage of this ordinance, shall, within three days from that time, appear before the convention, in open session, and take the oath prescribed in this ordinance, to be administered by the president of this convention.

SEC. 9. *Be it further ordained*, That after the constitution of the permanent government of the Confederate States of America is adopted or ratified by this convention, or the people of this state, by a direct vote for that purpose, then the oath or affirmation above described shall be administered so as to embrace and include the constitution of such permanent government, iustead of the constitution of the provisional government as now required.

SEC. 10. *Be it further ordained*, That this ordinance be, and the same is hereby made repealable, in whole or in part, by the General Assembly of this state.

Which were read.

The consideration of ordinance No. 35, entitled " an ordinance providing an oath to be taken by all military and civil officers, and non-commissioned military officers and privates in the service of this state, and for other purposes.," was taken up.

The first section was read, which section provided that all officers, military and civil, should take and subscribe the following oath:

I, —— ——, do solemnly swear, or affirm, that I will support the constitution of this state, and all ordinances and resolutions passed or adopted by the convention of the people of Arkansas; and I furthermore do solemnly swear, or affirm, that I will support the constitution of the provisional government of the Confederate States of America, and that I will, and do, freely abjure, and forever renounce all allegiance and fidelity to the constitution, laws and government of the United States of America."

Mr. Cypert moved to amend by striking out all of said oath or affirmation after the words " State of Arkansas."

Mr. Grace moved to insert in lieu thereof,

" And I do also further solemnly swear, or affirm, that I will faithful and true allegiance bear to the State of Arkansas, and to the Confederate States of America, while I am a citizen thereof."

Which was accepted by Mr. Cypert.

The amendment as amended was adopted.

Mr. Cypert moved the adoption of the section; which was adopted.

Section 2d was then read, and without amendment, on motion of Mr. Floyd, was adopted.

Section 3d was then read.

Mr. Floyd moved to amend by striking out "thirty" and inserting "ninety," where it refers to the number of days after the adoption of the ordinance in which the oath shall be taken;

Which was adopted.

Mr. Batson moved to amend by adding after the word "state,"

"To issue notice to all such officers as fail to appear and take such oath, within 90 days, and if any such officer should fail to appear and take the oath aforesaid, within ten days after service of such notice, it is hereby made the duty of," etc.

Mr. Floyd moved to amend by striking out "90," and inserting "60;" which was adopted, and the section, as amended, was adopted.

Section 4 was then read.

Mr. Floyd moved to amend by inserting after the word "counties," or some person authorized to administer oaths;" which was adopted, and the section, as amended, was also adopted.

Section 6 was then read and adopted.

Section 6 was read.

Mr. Mayo moved to amend by striking out "shall be dismissed the service," and insert "and on any such soldiers or non commissioned officers refusing to take such oath, shall be denied all the privileges of a citizen of Arkansas."

Mr. Cypert moved to lay the section and proposed amendment on the table.

Mr. Floyd called for a division of the question whereupon the amendment to the section was laid on the table.

The motion to lay the section on the table did not prevail.

Mr. Floyd moved to amend by inserting the words "thirty days after the adoption of the ordinance," the words "the captains of companies shall make proclamation that the same is required of his command, and that a copy of the ordinance shall be furnished to the officers of the army now in service."

On motion of Mr. Bush, the vote on laying the section on the table was reconsidered.

Mr. Grace moved to lay the section on the table; which motion prevailed.

Section 7 was then read and adopted.

Section 8 was read.

Mr. Flanagin moved to amend by inserting governor, military board, judges of the supreme and circuit courts, auditor, treasurer, secretary of state. If within this city, be required to appear before this convention on or before the twenty-second day of this month, and take the oath prescribed, and striking out from the word "all" to the word "prescribed" inclusive.

Mr. Patterson of Jackson, moved so lay the amendment upon the table.

Mr. Floyd moved to amend the amendment by striking out the words "on or before the twenty-second," and inserting by 6 o'clock p. m., on Wednesday the 23d inst., and that this convention remain in open session for the next ten days for that purpose.

Which was accepted, and Mr. Patterson withdrew his motion to table.

On motion of Mr. Carrigan, the last clause referring to remaining in open session was stricken out.

Mr. Johnson moved to amend by striking out all the officers referred to, with the exception of the "governor and military board."

Which was adopted.

And on the further motion of Mr. Johnson, "Thursday" was stricken out, and "Wednesday" inserted.

On motion of Mr. Floyd, the words "if within the city" were stricken out.

Mr. Hawkins of Ashley, moved to amend by saying:

Amend by saying: and unless said person or persons shall so appear and take said oath within the time prescribed by this ordinance, the office or offices which they respectively hold, hold, shall be declared vacant by this convention, and subject to be filled by an election held by said body for that purpose, except the office of governor, which shall be declared vacant, and filled in the manner now prescribed by law.

Mr. Fishback moved to lay the amendment on the table.

Mr. Kennard offered the following as a substitute for the section:

Be it ordained, That the governor, members of the military board, auditor, treasurer, secretary of state, and judges of the supreme court, be, and they are hereby required to appear before this convention, in open session, at or before the hour of 11 o'clock, a. m., of Thursday the 23d inst., and take the oath prescribed by this ordinance, to be administered by the president of the convention.

Which was read and adopted.

The 9th section was then read, which, on motion of Mr. Grace, was adopted.

The 10th section was read, and on motion, stricken out.

Mr. Gould moved to amend the 1st section by striking out the words "this state and all the ordinances and resolutions passed and adopted," nnd inserting "as the same may be altered or modified by the convention of the State of Arkansas."

Which, after some discussion, was withdrawn.

On motion of Mr. Grace, the word resolutions in the 1st section was stricken out.

The ordinance, as amended, was then read and adopted.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the injunction of secrecy be taken off of all the ordinances and resolutions passed by this convention; and that all the officers revuired to take the oath of office on Thursnext, as prescribed by ordinance, be entitled to examine the same.

Which was adopted.

Mr. Kennard offered the following

RESOLUTION:

Resolved, That the secretary of this convention be, and he is hereby instructed to furnish a copy of the ordinance prescribing the oath to be taken by the different officers of the State to the public printer forthwith, and order the same to be published as as soon as possible.

Which was adopted.

Mr. Adams of Phillips, offered the following

RESOLUTION:

Resolved, That the sum of five hundred dollars be, and the same is hereby appropriated to pay the expenses of Captain Albert Pike, the commissioner of this state and of the Confederate States to the Indian country, and that the auditor issue his warrant upon the treasurer for the same, taking the receipt of Capt. Pike therefor.

Which was adopted.

Mr. Adams, from the select committee appointed to wait upon Gen. Ben. McCulloch, on leave, made a report, which was ordered not to be spread upon the journals.

On motion of Mr. Turner, the report was recommitted to the committee, with instructions to report an ordinance in relation to the subjects therein referred to.

On motion of Mr. Kennard, the convention took a recess until 4 o'clock, P. M.

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4 o'clock, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Kelley, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—57.

Mr. Adams of Phillips, from a select committee, made the following

REPORT:

Mr. President and members of the convention:

Gentlemen: The committee to whom was referred the duty to prepare an ordinance providing for the transfer of a portion of the military force of the State of Arkansas to the Confedrate States of America, and have instructed me to report the accompanying ordinance and resolution for the action of the convention.

Your committee would further report that they have reported no provision for the distribution of the arms and ammunition now in store at the arsenal, for the reason that, as is known to the convention, brigadier general Bradley has not as yet received the portion of the same ordered to be delivered to him, and your committee have no date by which they could be governed in that respect; nor have they reported any provisions as to the collection of the arms of the state, deeming that this matter is peculiarly within the province of the military board, and there they have left for the future action of the convention.

All of which is respectfully submitted,

CHAS. W. ADAMS, *Chairman.*

Which was received.

At the same time, Mr. Adams of Phillips introduced

ORDINANCE No. 50.

Entitled "an ordinance providing for the transfer of a part of the military force of the State of Arkansas, to the service of the Confederate States of America."

The first section of said ordinance was read.

Mr. Carrigan moved to postpone the consideration of the ordinance indefinitely, but after some discussion, withdrew his motion.

Mr. Hanly was called to the chair.

Mr. President moved to amend the first section by striking out all of the 1st section after the word "frontier" in the 18th line; which amendment was adopted.

Mr. President also offered the following as a substitute for that portion of the section not stricken out:

And brigadier general McCulloch in command of the confederate troops on the northern frontier of the Indian Nations, is hereby authorized to call upon brigadier general Pearce for such aid as he may deem necessary in any emergency on said frontier, and brigadier general Pearce is hereby empowered and authorized to furnish such aid, provided, in his judgment, he can do so without detriment to his own position, or to the citizens on our frontier; and brigadier general Pearce is hereby authorized to call out additional volunteers to assist brigadier general McCulloch in such emergency.

Mr. Cypert offered the following as a substitute:

And brigadier general Pearce is hereby authorized and required to co-operate with brigadier general McCulloch to the full extent of his ability in the defence of the western frontier.

Which substitute was accepted.

Mr. Smoote moved to lay the ordinance and amendments upon the table, upon which, Mr. Floyd called for the yeas and nays, which being sustained, was ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Carrigan, Crenshaw, Hawkins of Ashley, Murphy and Smoote—6.

NAYS—Messrs. Adams of Phillips, Batson, Bolinger, Bush, Campbell, Clingman, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Flody, Fort, Fuller, Gould, Grace, Griffith, Gunter, Hanly, Hill, Hilliard, Hobbs, Jester, Johnson, Kelley, Lanier, Mansfield, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Rhodes, Robinson, Shelton, Slemons, Smith, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace and Mr. President—51.

So the ordinance and amendments were not laid upon the table.

Mr. Flanagin moved to lay the section and amendment on the table; which did not prevail.

Mr. Grace moved to adopt the section as amended, which prevailed, and the section, as amended, was made part of the ordinance.

On motion of Mr. Grace, the 3d section was adopted, and

On the further motion of Mr. Grace, the 4th section was stricken out.

Mr. Cypert offered the following as an additional section:

SEC. —. *Be it further ordained*, That the military board heretofore constituted by this convention, shall have power, when organized, to enlarge, restrain or amend the provisions of this ordinance, when in their opinion and discretion it shall be necessary to do so.

Which was adopted.

At the time of introducing the ordinance, Mr. Adams presented the following

RESOLUTION:

Resolved, That Col. Thos. C. Peek, now in charge of the arsenal and military stores there kept, be, and he is hereby required to deliver to the order of Capt. Albert Pike, all of the subsistence supplies now in store in said arsenal that said Pike cause them to be conveyed to, and stored at Fort Smith, subject to the order of brigadier general Pearce, who is hereby required, unless otherwise ordered by the military board, to advance to brigadier general McColloch, such supplies as may be required for his command on the northern border of this state, so far as he may be able with safety to his command, until such time as said General McColloch can get his supplies from the Confederate States, when the same shall be returned by said Confederate States; *Provided*, That subsistence for three companies for one month shall be left at said arsenal.

Which was read, and without further action had, was placed on the calendar.

On motion of Mr. Flanagin, the convention adjourned until 8 o'clock to-morrow morning.

DAVID WALKER,
President.

* * *

Wednesday, *May 22d*, 1861.

Convention met.

Prayer by Rev. Mr. McKenzie.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber,

Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—65.

The journals of Monday and Tuesday, were read, approved and signed.

Mr. Patterson of Jackson, offered the following preamble and

RESOLUTION:

Whereas, This convention has been informed that his excellency H. M. Rector, has placed in the hands of the public printer of this state, his proclamation, whereby the General Assembly of this state is invoked to meet at the city of Little Rock, on or before the 1st June. And whereas, said proclamation, if made, is in direct antagonism to the will of this convention, as well as in their opinion disastrous to the interest of the people of this state; therefore,

Be it resolved by the people of the State of Arkansas in convention assembled, That his excellency be and he is hereby respectfully requested to suppress the publication of said proclamation indefinitely, that confusion and injury to the public interest may be avoided.

Resolved further, That a copy of these resolutions be forthwith furnished his excellency by the secretary, with a request of immediate answer..

Which resolution was read and adopted.

Mr. Ray offered the following

RESOLUTION:

Resolved, That this convention adjourn on Monday, the 27th day of May, A. D. 1861, sine die.

Which, after discussion was withdrawn.

Mr. Flanagin introduced the following

ORDINANCE No. 51.

AN ORDINANCE *For the relief of Hon. F. W. Compton.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That the Hon. F. W. Compton, one of the judges of the supreme court, who is not now in this city, be allowed to take the oath prescribed by ordinance No. 35, before one of the judges of said court, or before the clerk of the circuit court of Dallas county, at any time within sixty days from the passage of said ordinance.

Which was adopted.

Mr. Batson presented, on leave, a memorial of Wm. M. Reasoner, which, upon his motion was referred to the committee on ways and means, without being read.

Mr. Dinsmore asked and obtained leave of absence for a few hours.

The consideration of ordinance No. 50, was then resumed.

Mr. Adams, of Phillips, moved to amend the 2d section, by striking out the word "forty," and inserting the words "a company."

Which was adopted.

Mr. Cypert offered the following as a substitute for the title of the ordinance:

"An ordinance to provide for the co-operation with the forces of the Confederate States of America, in the defence of the western frontier, and other purposes."

Which was adopted.

The ordinance as amended, was then adopted.

On motion of Mr. Hanly, the resolution introduced yesterday by Mr. Adams, of the select committee, was taken up and read.

Mr. Smoote offered the following amendment:

"*Provided*, That subsistence for three companies for one month, shall be left at said arsenal."

Which was adopted.

Mr. Stillwell moved to amend by inserting after the word "who," in the first sentence, the words, unless otherwise ordered by the military board.

Mr. Flanagin offered the following amendment. add after the word "state," the words so far as he may be able with safety to his command.

Which was adopted.

The resolution as amended was adopted.

Mr. Adams, of Phillips offered the following

RESOLUTION:

Resolved, That neither the ordinance adopted by this convention providing for the co-operation of military forces of this state with the forces of the Confederate States, or the resolution touching subsistence stores, etc., shall be made public, but that the secretary of this convention furnish the governor, Capt. Pike and Generals Pearce and McCullough, with copies of the same, together with this resolution.

Which was adopted.

Mr. Hanly, from the committee on the judiciary, made the following

REPORT:

Mr. President—

The committee on judiciary, to whom were referred the accompanying ordinance and resolution, have had the same under consideration and instruct me to report the ordinance herewith submitted as the result of their labors and recommend its passage. All of which is respectfully submitted.

HANLY, *Chairman.*

Which report was received, and the following ordinance recommended by said committee, was read.

ORDINANCE NO. 52.

Section 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the constitution of this state be amended by striking out the words "United States" and inserting the words "Confederate States" where they occur in the following places:

In Article 4.
  In Section 2. In the first line.
    " In the sixth and seventh line.
    " In the ninth line.
  In Section 4. In the third and fourth line.
  In Section 6. In the third line.
  In Section 9. In the fifth and sixth line.
In Article 5.
  In Section 4. In the sixth line.
    " In the eighth line.
  In Section 5. In the fifth line.

In Section 6. In third line.

In Section 23. In the third line.

Under the head of MILITIA.

In Section 1. In the fifth line.

In ARTICLE 6.

In Section 8. In the sixth line.

In ARTICLE 7. Under Emancipation of slaves.

In Section 1. In line fifth.

In Section 5. In lines one and two.

In Section 10. In line two.

SEC. 2. *Be it further ordained*, That the words "without the consent of the owners," as they occur in the second and third lines of section one, article seventh, making the section read, ' the General Assembly shall have no power to pass laws for the emancipation of slaves." Amend same article and section by striking out whole of third sentence.

SEC. 3. *Be it further ordained*, That sections one, two, three, four, five, six, seven, eight, nine and ten under the head of "Schedule," on pages fifty and fifty-one of Gould's Digest, be stricken out.

SEC. 4. *Be it further ordained*, That all the laws of Arkansas now in force in which the words "United States" or "United States of America" occur, the words "Confederate States of America" shall be substituted. Whenever it is necessary to adapt the laws to the present state of things, and hereafter the laws shall be so printed; *Provided*, This ordinance shall not vest in the Confederate States any right to the public lands or public property not expressly granted.

SEC. 5. *Be it further ordained*, That the first clause of the amendments to the constitution of this state proposed by the General Assembly, begun and held on the first Monday in November, A. D. 1844, and ratified by the General Assembly, begun and held on the first Monday in November, A. D. 1844, ratified by the General Assembly, begun and held on the first Monday in November, A. D. 1846, be and the same is hereby stricken out, abrogated and repealed.

6. *Be it further ordained*, That the fourteenth section of the second article of the constitution of this state be and the same is hereby amended by inserting the word "free" between the words "no" and "man."

7. *Be it further ordained*, That the third section of the sixth article of the constitution be, and the same is hereby amended by adding the words "charged against free men" between the words "crimes" and "amounting," in the third line.

Amendment proposed by Mr. Lanier.

ARTICLE 7. Section 2. Under head "REVENUE."

Provided further, That the legislature may authorize the county courts of the respective counties in this state to collect a specific tax for the purpose of building levees to protect their respective counties from overflow.

On motion of Mr. Kennard, all proposed amendments to the constitution by inserting the words "Confederate States," in lieu of the words "United States," were adopted.

Mr. Stillwell moved that 100 copies of the ordinance be printed for the use of the convention.

Which motion prevailed.

Mr. Desha moved to go into an election for a major general of the State of Arkansas, which motion prevailed.

Mr. Jester moved that such election be by ballot.

Mr. Johnson moved to lay the motion upon the table, and called for the yeas and nays, which call was sustained, ordered and had with the following result:

Yeas—Messrs. Adams of Phillips, Batson, Bussey, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dodson, Fort, Fuller, Hanly, Hawkins of Ashley, Hill, Johnson, Mansfield, Mayo, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Smoote, Totten of Arkansas and Wallace—26.

Nays—Messrs. Adams of Izard, Austin, Bolinger, Bush, Campbell, Carrigan, Desha, Fishback, Flanagin, Floyd, Gould, Grace, Griffith, Gunter, Hawkins of Sevier, Hobbs, Hobson Jester, Kelley, Kennard, Patterson of Van Buren, Smith, Spivey, Stillwell, Stout, Tatum, Totten of Prairie, Turner Walker and Mr. President—30.

So the motion to lay upon the table did not prevail—but the motion of Mr. Jester to go into the election of major general by ballot, was carried, and Mr. President appointed Messrs. Smith and Baher, tellers.

Mr. Tatum moved a call of the convention, which being had, it appeared that Messrs. Fishback and Stirman were absent without permission.

Whereupon, Mr. President dispatched the sergeant at arms for the absentees, and the election of such major general was suspended.

After the expiration of a few minutes it appeared that the absentees were within the bar of the convention, and the election proceeded.

Mr. Desha nominated General James Yell.

Mr. Jester nominated Hon. Solon Borland.

There being no other nominations, the ballot was taken, and it appeared that Mr. Yell received 43 votes.

Mr. Borland received 20 votes.

Mr. Desha received 4 votes.

Mr. Griffith received 1 vote.

Mr. Turner received 1 vote.

General James Yell having received a majority of all the votes cast was declared by the president duly elected major general of Arkansas.

Mr. President presented the following communication from the governor:

THE STATE OF ARKANSAS,
EXECUTIVE OFFICE, *Little Rock*,
May 22, 1861.

SIR.: In deference to the request of the convention, now in session, as expressed by the preamble and resolutions of that body, transmitted to me this morning, I have the honor to inform you that my proclamation for the convening of the General Assembly of this state will be withheld for the present.

Very respectfully, your ob't serv't,
H. M. RECTOR.

Hon. DAVID WALKER,
President of the State Convention,
Little Rock, Arkansas.

Which was read and received.

At 10 o'clock, a. m., Hon. Wm. R. Miller, auditor, and Hon. Oliver Basham, treasurer of Arkansas, appeared within the bar of the convention, and took the oath, as required by ordinance No. 35.

Mr. Stallings, from the committee on ways and means, made the following

REPORT:

Mr. President—

The standing committee on ways and means, to whom was recommitted the account and claims of S. H. Tucker & Co., for clothing and outfit for the 1st Arkansas regiment, which was ordered to march to Lynchburg, Virginia, amounting to the sum of $859 60, have had the same again under consideration. The committee having given the subject their mature investigation, are of opinion that it wonld be wholly unjust to withhold from the claimant the amount that has been properly certified by Col. James F. Fagan, who has command of the regiment. The articles furnished were indispensable for the comfort of our patriotic, chivalrous soldiers, who, at the first call of their country, came forward at a moment's call to defend the integrity of the South, without any preparation whatever fer their comfort. Therefore, your committee insist that it is just, right and proper to allow and pay off the claim of S. H. Tucker & Co.; and that the president of this convention be, and he is hereby directed to certify the same to the auditor of public accounts, requiring him to draw his warrant on the treasury for the amount of the same, out of any money in the treasury not otherwise appropriated.

All of which is respectfully submitted.

STALLINGS, *Chairman.*

Which report was adopted.

Mr. Hanly, from the committee on judiciary, made the following

REPORT:

Mr. President—

The committee on judiciary, to whom was referred the ordinance entitled "an ordinance to repeal an act of the General Assembly of the State of Arkansas, approved January 15th, 1861, entitled 'an act to establish nine judicial circuits in this state,'" have had the same under consideration, and instruct me to report that they appreciate and commend the policy which dictated the ordinance in question, it being, as your committee are satisfied, retrenchment in the expenditures of the state, with the view of enabling it to bear the heavy outlays anticipated to result from the war in which we are now engaged, in common with our fellow-citizens of the Confederate States of America; but, notwithstanding this, your committee do not regard the amount that would be saved to the state by the ordinance in question, to be of sufficient value to compensate it for the derangement and inconvenience that would be occasioned by the ordinance under consideration, and therefore, instruct me to recommend to your honorable body the rejection of said ordinance.

All of which is respectfully submitted.

HANLY, *Chairman.*

Which report was read and adopted, and the ordinance thereby rejected.

Mr. Hanly, from the same committee, made the following

REPORT:

Mr. President—

The committee on judiciary, to whom was referred the petition or memorial of William Hill, accompanied by a resolution, intended to authorize the president of this convention to grant an unconditional pardon to Francis M. Hill, a convict in the jail and penitentiary house of this state, have had the same under consideration, and instruct me to report that they are satisfied, from the facts which your committee had before them, that the young man, Francis M. Hill, mentioned in the petition or memorial, is deserving the clemency of your honorable body which is asked by the terms c the petition or memorial in question. Your committee have, therefore, instructed me to report an ordinance, empowering the president of this convention to issue letters of pardon to the said Francis M. Hill, and directing therein the keeper of the penitentiary, upon the presentation of such letters of pardon to him, to discharge the said Francis M. Hill from further imprisonment therein. And your committee, fearing lest other cases, deserving like clemency, may exist, have instructed me to report a general ordinance, empowering the governor of this state to pardon any other person held in custody, whether under decree or civil process, emenating from either of the United States district courts, lately in existence in this state, under like circumstances, limitations or restrictions, prescribed in the constitution of this state.

Your committee instruct me to recommend to your honorable body the passage of the two ordinances herewith submitted.

All of which is respectfully submitted.

HANLY, *Chairman.*

Which was received, and the following petition read:

To the Convention of the sovereign people
of the State of Arkansas:

The petition of William Hill, a citizen of the county of

Pulaski, in said State of Arkansas, respectfully shows unto your honorable body that, at the October term, A. D. 1858, of the district court of the United States, in and for the eastern district of the State of Arkansas, an indictment, in due form of law, was prepared against Francis M. Hill, son of this petitioner, for the offence of robbing the mails of said United States government; that on the 7th day of October, 1858, said Francis M. Hill, appeared in said court, openly confessed his guilt, and threw himself upon the mercy of the court, and was accordingly sentenced to six years imprisonment in the jail and penitentiary house of the State of Arkansas, where he has since been closely confined, and subjected to hard labor; that said Francis M., was but a mere youth at the time of the commission of the crime for which he has been so fearfully punished; a country-raised boy, who was misguided by the enticements of city life, and lead into sin by the temptations of pleasure and folly; that, when charged with the crime, he readily acknowledged it, made no attempt at concealment, but showed every indication of sincere penitence, and mortification at the disgrace, brought by his own folly and sin, upon an affectionate father and mother and innocent sisters, whose tender age prevented their knowing the extent of *his* degradation, and their own disgrace.

Petitioner further represents that, after the imprisonment of his son, as aforesaid, a memorial, signed by most of the citizens of this county, was transmitted to his excellency, James Buchanan, then President of the United States, setting forth the facts connected with the conviction aforesaid, and was favorably considered by him, being urged by both of the United States senators from this state, and other prominent citizens, who were acquainted with the facts, but his decision in the matter was suspended until he could receive a communication on the subject from Hon. Daniel Ringo, then district judge in said eastern district of Arkansas, and who presided when said judgment and sentence of imprisonment was rendered. Petitioner further represents that the said Hon. Daniel Ringo did, afterwards, address a letter to the president, recommending the pardon of said Francis M. Hill, but amid all the excitement and confusion consequent upon the election of Mr. Lincoln, and the secession of several of the southern states, and the general disarrangement of all governmental matters, this subject was neglected, and no action was taken on Judge Ringo's recommendation.

Petitioner submits, that inasmuch as the people of this state, acting through your honorable body, have dissolved their connection with the old Federal Union, this convention is the only source to which he can now look for that clemency, in behalf of his erring son, which the nature of his case would seem to justify. And, for as much as he has shown every indication of a sincere repentance, and the rigid demands of the law have been amply satisfied, and the community, in which the offence was committed, are now almost unanimously of opinion that the imprisonment for over two years and a half, which he has undergone, has been a punishment at least commensurate with the crime committed, your petitioner would humbly pray your honorable body to pass an ordinance, releasing said Francis M. Hill from the remainder of the term for which he was sentenced; and he presents herewith the petition of numerous good citizens of said Pulaski county, joining in the prayer hereof, etc.

WILLIAM HILL.

We, the undersigned, recommend the above petition to the favorable consideration of the convention, and pray them to grant the pardon therein prayed for.

JNO. J. CLENDENIN,
Judge 5th Judicial Circuit.
JOHN M. HARRELL, *Late*
U. S. Att'y Eastern Dist. Ark.
J. L. HOLLOWELL,
Attorney General Arkansas.
GEO. C. WATKINS.
J. G. HALLIBURTON.
S. H. HEMPSTEAD.
ALBERT PIKE.
C. P. BERTRAND.
S. H. TUCKER,
JAMES A. MARTIN,
Deputy Marshal that arrested Hill.

Little Rock, Arks., Jan'y 28, 1861.

To his excellency,
The President of the United States:

Sir—At the October term of the district court of the United States, in and for the eastern district of Arkansas, in the year A. D. 1858, a young man named Francis Hill, was indicted for the crime of stealing from the post-office at Little Rock, certain letters belonging to the United States mail, containing money and things valuable, and being arraigned upon such charge pleaded guilty thereto, and was, by said court thereupon sentenced to imprisonment, at hard labor, in the penitentiary of said state for a term of six years. Since then he has been, and is now, confined in said prison, in execution of said sentence, aud has, during the whole period of such imprisonment, as I am informed by the keepers of said prison, behaved well, and exhibited evidences of contrition for his said act.

His parents are respectable citizens of this community, and he, previous to his detection in this act of larceny, maintained a good character, having been, until a short time previous, for years engaged as a clerk or assistant in the post-office at this place, in which capacity he was accommodating, and had the confidence generally of the people. But there had been, before his detection, sundry thefts from the mail, running through a period of some months, which, after his detection, were generally believed to have been perpetrated by him, or him and others in concert; and I have recently been informed that there is good reason to believe that whatever part he may have had in such depredations upon the mail, it was induced mainly by others, with whom he had unfortunately become associated, who were much worse than he, and having gained his confidence were enabled to influence him to this conduct, he being then very young, and of an easy and confiding disposition, so that the moral turpitude of his crime is believed to rest more upon his associates and confederates than upon himself. Besides this, he has never evinced an evil or vicious disposition, and there are many good citizens here who know him well, who, I have reason to believe, desire his release from said imprisonment.

I presided at his conviction, and pronounced the sentence against him, but now believe that in his case the law has been sufficiently vindicated, and that neither society, or the public justice would suffer detriment by his discharge. I therefore unite with those who have heretofore petitioned you to pardon him, in accommodating it, if upon these facts and circumstances you shall deem it proper to relieve him from the further execution of said sentence.

Very respectfully, your ob't serv't,
DANIEL RINGO, *U. S. Judge*
for the Arkansas Districts.

The ordinance accompanying the report was then read:

ORDINANCE No. 53.

AN ORDINANCE *for the relief of Francis M. Hill.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the president of this convention be, and he is hereby authorized and empowered to grant an unconditional pardon to Francis M. Hill, who was, at the October term, A. D. 1858, of the district court of the United States, in and for the eastern district of Arkansas, convicted of robbing the mails of the United States, and sentenced to imprisonment in the jail and penitentiary house of the State of Arkansas, for a period of six years.

2. *Be it further ordained*, That upon the evidence of the pardon, to be issued by the president aforesaid, being presented to the keeper of the jail and penitentiary house of this state, he is hereby required to discharge the said Francis M. Hill from his custody.

The following ordinance referred to in the report of the committee was also read:

ORDINANCE No. 54.

AN ORDINANCE *authorizing the governor to grant pardons and remit fines and forfeitures in certain cases.*

Be it ordained by the people of the State of Arkansas in convenvention assembled, That the governor of this state shall have power, in all criminal and penal cases where convictions have been had in the district courts of the United States, for the eastern and western districts of Arkansas, to grant pardons, and remit fines and forfeitures, in the same manner, and upon the same conditions as he is, by the constitution and laws of the State of Arkansas, authorized to do in cases of convictions in the courts of this state.

2. *Be it further ordained*, That this ordinance take effect and be in force from and after its passage.

Which was also adopted.

Mr. Stillwell offered the following

RESOLUTION:

Resolved, That the auditor of public accounts be, and he is hereby required to draw his warrant on the treasurer in favor of S. H. Tucker & Co., for the amount of their claim, the payment of which is recommended by the committee on ways and means.

Mr. Stillwell moved its adoption.

On which motion Mr. Flanagin called for the yeas and nays, which call was sustained, ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Adams of Phillips, Baber, Batson, Bush, Bussey, Campbell, Cypert, Cochran, Desha, Dodson, Floyd, Fort, Fuller, Gould, Grace, Griffith, Gunter, Hill, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Hobson, Jester, Kelley, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Totten of Arkansas, Totten of Prairie, Turner and Mr. President—50.

Nays—Messrs. Austin, Bolinger, Carrigan, Clingman, Crenshaw, Cryer, Dollarhide, Flanagin, Johnson, Ray, Tatum, Walker, Wallace and Yell—14.

So the resolution was adopted.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That Capt. Pike be required to take up to Fort Smith, all, or the necessary quantity, of the medical stores on deposit at the arsenal, and deliver the same to General Pearce for the use of the army.

Which was adopted.

Mr. Slemons introduced

ORDINANCE No. 55,

Entitled "an ordinance for the relief of the people;" which was referred to the committee on judiciary without being read.

Mr. Mayo offered the following

RESOLUTION:

Resolved, That the committee on ways and means be required to take into consideration the propriety of tendering a loan to the Confederate States, founded on the public lands, which have reverted to this state, and report to this convention at their earliest convenience.

Which, on motion of Mr. Yell, was laid on table.

On motion of Mr. Kennard, ordinance No. 15, was taken up and made the special order for to-morrow morning 9 o'clock.

On motion of Mr. Hanly, ordinance No. 40, entitled "an ordinance for the relief of such citizens of Arkansas, as may be engaged in the military service of the State of Arkansas or the Confederate States," was taken up and read.

The first section was read and adopted.

The second section was read.

Mr. Hawkins, of Ashley, moved to amend by inserting after the words "shall be," the words "suspended during the time said citizen is engaged in the military service of said state or Confederate States."

Which on motion of Mr. Grace, was laid on the table.

Mr. Patterson, of Jackson, offered the following amendment:

Insert after the words "proven by," the words "any officer now authorized by law to serve process, or by."

Which was adopted, and the section, as amended, was adopted.

Mr. Hanly offered the following amendment:

Amend the 4th line, between the words "of" and "some," by inserting the words "the defendant or;" and by striking out the word "defendant," in same line, and inserting "him and the affidavit provided for in this section may be made before any military officer in the service of this state, or of the Confederate States, or any civil officer authorized by any state in the confederacy, to administer oaths without further authentication."

Mr. Austin offered the following as a substitute:

Amend by inserting the words "or defendants," after the word "defendant," in 2d line, and striking out all after the word "states," in the second line, to the word "which," in the third line, and insert the word "the" after the word "for," in the fourth line," and after the word "defendant," in the same line, add the words "or defendants."

Mr. Tatum moved to lay the substitute on the table; which prevailed.

On motion, the amendment of Mr. Hanly was adopted.

Mr. Flanagin moved to amend by striking out the word "the," where it referred to defendant, and inserting "a;" which was adopted, and the section, as amended, adopted.

Section 4' was then read.

Mr. Kennard moved to amend by striking out "every person," and inserting in lieu the word "all persons; which was adopted, and the section, as amended, was adopted.

The 5th section was then read.

Mr. Patterson, of Jackson, moved to amend by adding to the section:

"The truth of which allegation may be tried by a jury, when demanded by the defendant, or some person for him, before the tribunal to which such execution or process may be made returnable."

Which was adopted, and the section as amended, was also adopted.

The 6th section was then read.

Mr. Hanly moved to amend,

By inserting in the 1st line, after the word "peace," the following phrase: "rendered against persons in the military service of this state, or the Confederate States."

Mr. Carrigan offered, as a substitute, to amend by striking out all after the word "that," to the word "judgments," and strike out the words "personal property," in last clause, and insert the word "slaves."

Mr. Lanier moved to lay the section, amendment and substitute on the table; which motion prevailed.

Mr. Patterson, of Jackson, offered the following as section six:

Sec. 6. In any case where a suit may be pending, or may hereafter be instituted in any court in this state, against two or more persons, a part of whom may be in the military service of the State of Arkansas, or of the Confederate States, it shall be lawful for the plaintiff or plaintiffs to dismiss said suit as to such of the defendants as may be engaged in such military service, and proceed against the others to final judgment and exetion, as now provided by law.

Which was adopted.

Mr. Flanagin offered the following as an additional section:

Sec. 7. In all cases where it shall appear that the judgment debtor in service is not the sole principal debtor, an execution may issue by order of court, after notice, against the remaining judgment debtors, but not against the person in such service.

Which was adopted.

Mr. Flanagin offered the following as an additional section:

Sec. 8. In all cases where an execution shall be issued against a person who shall thereafter, before sale enter the military service of this state or of the Confederate States. The officer having said execution shall not enforce the same against the property of such person.

Which was adopted.

The last section was then read.

Mr. Mayo moved to amend by adding:

"But this ordinance shall not extend to collectors of revenue of state or county."

Mr. Clingman offered the following as a substitute for such amendment:

Sec. 9. That nothing in the ordinance shall be so construed as to prevent the due collection of taxes.

Which was adopted, and the section as amended was also adopted.

Mr. Mayo moved to amend the 6th section by adding, "but this section shall not apply to securities, where principal is in the service."

Which, on motion of Mr. Bush, was laid on the table.

The ordinance, as amended, was then adopted.

Mr. Bolinger offered the following

RESOLUTION:

Resolved, That the committee on judiciary be, and they are hereby instructed to report an amendment to the constitution of the State of Arkansas, so as to admit of cases of assault and battery, under the jurisdiction of justices of the peace.

Which, after some discussion was withdrawn.

Mr. Floyd offered the following

RESOLUTION:

Resolved by the Convention, That the two companies of infantry, now quartered at the state arsenal commanded by Captains Echols and Lyons, from the counties of Calhoun and Ouachita, be, and they are hereby ordered to march forthwith—and the Columbia Guards, now on their march to this city, commanded by Capt. Killgore, when they arrive, shall also march forthwith and report their respective companies to Gen. Pearce, at Fort Smith, for active service on the north-western frontier.

Pending the discussion of which, Mr. Tatum moved to adjourn; the resolution was then placed on the calendar, and the convention adjourned until to-morrow morning 9 o'clock.

DAVID WALKER,
President.

THURSDAY, *May 23d*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Fuller, Gould, Grace, Griffith, Gunter, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard Hobbs, Hobson, Jester, Johnson, Kelly, Kennard, Lanier, Mansfield, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—66.

The journal of yesterday was read, approved and signed.

On leave, Mr. Turner presented the following memorial of Col. N. B. Burrow, representing that as one of the securities of the late Peter T. Crutchfield, deceased, there was in his, and the hands of certain others as such securities, certain moneys of the United States, etc., etc.

LITTLE ROCK, May 22d, 1861.

HON. JESSE TURNER, *Delegate to Convention:*

DEAR SIR—Allow me through this communication, to inform the honorable convention, of which you are a member, that on the 12th January last, Major P. T. Crutchfield departed this life, leaving to the possession of his official securities, the funds of the United States, held by him prior to that time in his several official characters, as receiver of the Little Rock land district, disbursing agent of the post office department, pension agent, disbursing agent for the U. S. paymasters and Indian agencies west, and U. S. depository, at Little Rock, Arkansas; these funds were held intact, until after the meeting and adjournment of the sovereign state convention, in March last, with the view, on my part, of placing the sum thus on deposit (say one hundred thousand dollars) at the control of the convention—since that time the pressing wants of those who had rendered, in Arkansas, service to the federal government, as well as the necessities of commerce about the city of Little Rock, where the U. S. drafts had accumulated, required payments to be made. Large amounts of U. S. drafts, chiefly for postal service have accordingly been paid by the securities out of the funds which were on hand. The undersigned has paid accounts adjudicated and allowed by the U. S. district court, at Van Buren, Arkansas. There are other like accounts, which have not as yet been adjudicated by any authorized agent, upon which the necessities of those charged with the keeping of the U. S. prisoners, have induced me, likewise, to make advances from my private purse—accounts of officers of the late federal court at Little Rock, Arkansas, are to some extent in the same condition, as I am informed.

In addition to this, the claims of the widow and legal representatives of Maj. P. T. Crutchfield, deceased, for extra services rendered the government in his several onerous official characters remain unsettled. The legislature of Arkansas has heretofore recommended an adjustment of this claim upon a basis satisfactory to the late depositary, and those officially cognizant of the great labors performed, and services rendered, have constantly declared their intention to make compensation. It remains yet to be done.

I ask, in behalf of these several parties, that the sovereign convention of Arkansas interpose its authority for the protection of its citizens in this behalf, and appoint some competent arbiter to adjudicate the unsettled claims, which it would seem must be paid out of this fund.

The Hon. Daniel Ringo, late U. S. district judge for the district of Arkansas, is, by reason of the office formerly held by him, specially familiar with the character of all claims of the respective officers of said courts, and the accounts of the courts and dues to jurors and others, and would enter upon the discharge of the duties indicated, as I am informed, if requested thereto by the convention.

Should the convention think proper to appoint Judge Ringo to examine, adjudicate and certify the claims of officers of the late U. S. courts in Arkansas, I ask, in behalf of the legal representatives of Maj. P. T. Crutchfield, deceased, that Judge Ringo be authorized also to examine and adjudicate the claims for allowances for extra services rendered as aforesaid, etc.

On the 17th April last, orders were issued by Mr. Mitchell, comptroler of the treasury, at Washington, to the representatives of the deceased U. S. Depository, to pay over, etc.

On the 3d of the present month, Mr. Chase at the city of Washington, addressed an additional letter to the undersigned, which was not received until after the passage of the ordinance of secession, directing the moneys on hand, to be paid over, for I consider it improper, if not illegal and disloyal for me to obey further, any orders of the U. S. treasurer.

I therefore respectfully ask of the sovereign state convention to assume active control of the whole subject, and possession of the balances on hand, after such payments have been made, as by the convention may be ordered.

There are other securities in the premises; my wife, however, is the daughter, and only child of Maj. P. T. Crutchfield, dec'd., and honor would require me to interpose my whole estate between the other securities and ultimate loss, and therefore, I consider myself chiefly responsible.

Public business, of importance, calls me, for a few days, to the west, and whilst I do not understand that there is any very great or material difference of opinion among the securities, I address this letter in my own name, because I have not time at present to confer more fully with the gentlemen whose names are upon the official bonds of the late U. S. Depository.

The outside keys of the vault which contain the moneys on hand, as well as the keys of the boxes in which it is placed, are in my possession, and will be at the command of the convention upon my return to this city, in a week or ten days.

The precise amount on hand cannot be stated, as the accounts have not been made up, but after paying the claims indicated and outstanding U. S. post office drafts, the balance may be stated at from five to ten thousand dollars.

Respectfully, your ob't serv't.,

N. B. BURROW.

Mr. Stillwell presented the following memorial from Messrs. Tucker, Bertrand, and others, the remainder of such securities, relating to the same object.

To the Arkansas State Convention now in session:

The undersigned, your memorialists, securities of the late Peter T. Crutchfield, U. S. Receiver and Depositary, at Little Rock, respectfully represent, that he died on the 12th of January, 1861, leaving on hand of government moneys about $94,000, and which was from that time considered in the hands of his securities, and for which they were held responsible.

Those securities are, S. H. Tucker, C. P. Bertrand, Peter Hanger, N. B. Burrow and S. H. Hempstead, and who are good for the amount.

The securities, as it was their duty to do, proceeded in April last to pay drafts drawn on the fund, in favor of our own citizens, to the amount of about $58,000, and for which they hold the drafts as vouchers; and much of which was for postal service in our state. Not a dollar was paid to any other than citizens of our state.

There is due to Messrs. Rapley & Hanger, for mail service in Arkansas, an amount sufficient to exhaust the balance of the fund, and for which they are expecting drafts, and the undersigned expect and desire to appropriate the money in that way, and therefore respectfully request the convention to take *no action in reference to this balance;* assuring the convention that it will be held and faithfully appropriated to that object.

We make this request because we learn that one of the securities (N. B. Burrow,) has, or will ask the convention to take jurisdiction of, and possession of this money; and which is without our consent, and against our protest; and which would very seriously embarrass and injure us, and without any necessity for it. We do not, of course deny the right of one security to express any opinion he pleases as to this fund or its destination; but we cannot concede that any one can make an offer of, or control it, against the wishes of the others, so as in any manner to commit or bind them or in any way affect their rights.

Whatever may be thought or said of the right of confiscation, unto which we do not enter at all; it is very apparent that this balance does not stand upon the same footing as moneys belonging to the United States, because it is in the hands of the securities, and has been, in fact, destined and appropriated towards postal services, rendered by those who are citizens of Arkansas, and are looking to this fund for payment, and are now only waiting drafts upon it.

And if the convention should take jurisdiction over and possession of it, it would prevent the securities from making settlement in reference to it; and lay the securities liable, and without, as we again repeat, the slightest reason or necessity for it.

We therefore pray your honorable body to take no action whatever in reference to this balance, assuring you tnat it will be held and properly appropriated as above indicated, and in duty bound we will ever pray, etc.

S. H. TUCKER,
P. HANGER,
C. P. BERTRAND,
S. H. HEMPSTEAD.

Little Rock, 23*d May*, 1861.

Which memorials were read, and on motion, referred to the committee on judiciary.

Mr. Lanier presenteda petition from the officers of the 1st regiment of Arkansas volunteers, asking the appointment of

Col. J. J. Gaines, to the office of major of the battalion of artillery.

Which was read, and referred to the committee on military affairs.

Mr. Smoote, from the committee on ways and means, made the following

REPORT:

Mr. President—

The committee on ways and means, to whom was referred a resolution requiring it to report a plan of finance for the State of Arkansas, have had the same under consideration, and in reference thereto, beg leave to report the accompanying ordinance to the convention.

All of which is respectfully submitted,

STALLINGS, *Chairman*.

Which was received, and 100 copies of the accompanying ordinance No. 55½, were ordered to be printed.

An Ordinance *to provide revenue for the State of Arkansas.*

Section 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That all moneys in the state treasury which have been received from the sale of seminary, saline, internal improvement and swamp lands, and all other public lands within the state, and all moneys now in the hands of the various land officers, and in the various land offices throughout the state, arising from the sale of the lands above mentioned, and all moneys which may hereafter arise from the sale of the same, are hereby consolidated, and appropriated as a part of the revenue of the state to be used for military or other state purposes; and all further contracts, for the reclaiming of swamp lands, by the state out of the swamp land fund or otherwise, are hereby forbidden; and all further distribution to the counties of the moneys arising from the sale of the seminary, saline and internal improvement lands, is hereby forbidden; *Provided*, That all contracts made by the state for the reclamation of of swamp lands previous to the 1st day of May, A. D. 1861, may be discharged out of the swamp land fund in the manner and under the terms provided for by exxisting laws; *And provided further*, That the dividend due to counties from the seminary, saline and internal improvement funds on the first day of January, A. D. 1861, may be paid as heretofore.

Sec. 2. An annual state tax, for the year 1862, shall be levied on all the objects of taxation enumerated in sections one and two of Gould's Digest, amounting to one-third of one per cent. on the assessed value thereof for the said year, and a supplemental tax of one-sixth of one per cent. shall be levied as a state tax on all such objects of taxation for the year 1861.

SEC. 3. There shall be immediately issued by the treasurer of the state, bonds, to be denominated Arkansas war bonds, to the amount of one million of dollars, for sums of one hundred, two hundred, three hundred, four hundred and five hundred dollars each, properly lettered, numbered and registered, by each of which bonds the state shall promise to pay the sum therein specified to the bearer, at the expiration of five years from the first day of July, A. D: 1861, with interest at the rate of eight per cent. per annum, from the date thereof, with coupons attached for the payment of said interest. The treasurer shall keep a well bound book, in which he shall register each sale of said bonds, the amount and date of each bond sold, and the name of the purchaser. When the said bonds are ready for issue, the treasurer shall present the same to the auditor, who shall countersign the same, keep a record thereof, return them to the treasurer, and charge him with the amount, on the books of the auditor's office.

SEC. 4. The sum of eighty thousand dollars annually, or so much thereof as may be necessary to pay the interest on bonds actually sold, out of the revenue of the state, is hereby appropriated for the payment of the interest on the bonds, to be issued as hereinbefore provided for; which interest shall be due and payable on each of said bonds at the expiration of every six months after the date thereof, and the coupons hereinbefore mentioned, shall be so arranged and printed as to conform to the provisions of this section for the payment of said interest; and the treasurer shall, upon the payment of the revenue each year into the state treasury, set apart and retain a sufficient sum out of such revenue, to be devoted and appropriated solely to the payment of the interest on such of said bonds as may have been negotiated; which interest shall be made payable at the state treasury.

SEC. 5. The bonds hereinbefore provided for, shall be offered for sale by the treasurer, and he shall publish proposals for the sale of said bonds, to be made at his office, and at such other places as he may designate in said proposals: and all funds arising from the sale of said bonds shall constitute a part of the revenue of the state for military and other state purposes.

SEC. 6. The faith of the State of Arkansas and all the public lands thereof, are hereby pledged for the payment and redemption of said bonds.

SEC. 7. When there is not sufficient par funds in the treasury to pay any warrant drawn by the auditor, (without disturbing the amount set apart to discharge the interest on the said war bonds,) it shall be the duty of the treasurer to issue to the holder of such warrant a treasury warrant for the amount due, bearing interest at the rate of eight per cent. per annum from the date of the same, and payable to the person entitled to such warrant or to bearer.

Sec. 8. The treasurer shall keep a registry in a well bound book, of all warrants issued by him, and issue then in such form, and with such devices, as may be best calculated to prevent frauds upon the treasury, which warrants shall be dated and numbered, and paid according to their date and number. No warrant of a later date shall be paid, until all of a prior date and number shall have been first paid, unless when there may be funds enough in the treasury to pay all of a prior date and number, and when such may be the case, it shall be the duty of the treasurer, especially to set apart a sufficient fund to pay all warrants of a prior date and number, which are unpresented, and apply the residue of the funds on hand to the payment of those presented in their regular order of date and number; *Provided, however*, That such warrants shall at all times be receivable from collectors and receivers of state revenue, without regard to date or number.

Sec. 9. No sum due from the state, except interest upon the bonds authorized by this ordinance, shall be paid from the treasury, in par funds, whilst there are any outstanding and unpaid treasury warrants or scrip, unless when there may be funds enough in the treasury to pay all outstanding warrants, which shall be set apart for that purpose, and the residue on hand applied to the payment of such dues.

Sec. 10. The bonds so authorized to be issued, with coupons attached to the same, and treasury warrants with interest due thereon, shall be receivable at par in payment of debts due to the Bank and Real Estate Bank of the State os Arkansas, in payments for any debt due to the state, either in her own right or as a trustee, in payment for the purchase of any lands belonging to the state, and in payment of state revenue.

Sec. 11. Every collector of revenue and other agent for the securing of moneys for the state shall pay into the state treasury the precise funds which he shall receive or collect, whether it be in treasury warrants, bonds, coupons, or coin; and every such collector and agent, and every bank officer shall indorse on each treasury warrant, bond and coupon which he shall receive, in accordance with this ordinance, the name of the person from whom he received the same, and the date upon which he received it; from the date of which indorsement such bond or treasury warrant, (as the case may be,) shall cease to bear interest; and every such agent, collector or bank officer who shall purchase, either directly or indirectly, any of such bonds, warrants or coupons, with any money, coin or other funds received by him for the state, or either of said banks, shall be deemed guilty of a high misdemeanor, for each purchase so made, and upon conviction thereof, shall be fined in any sum not less than one thousand dollars; and every such collector, agent or bank officer, who shall fail to indorse the date of receiving, and the name of the person from whom he received any such bond, warrant or coupon as hereinbefore provided, shall for each such failure be deemed guilty of a high misdemeanor, and on conviction thereof, shall be fined in any sum not less than fifty dollars.

Sec. 12. It shall be the duty of the treasurer immediately to cancel all bonds, coupons and warrants which may be paid into the treasury by collectors and receivers of state funds, or which may be redeemed by him in coin; and no bond, coupon or warrant shall be reissued by the treasurer.

Sec. 13. All the laws of the State of Arkansas relating to the counterfeiting and uttering counterfeit bank notes, and to falsely issuing bonds and warrants of the state, shall apply to the counterfeiting and uttering counterfeits of such bonds, coupons and warrants.

Sec. 14. The sum of ——— dollars out of any moneys in the treasury, not otherwise appropriated, are hereby appropriated to pay the expense of preparing and printing said bonds, coupons and treasury warrants.

Sec. 15. As said bonds hereinbefore provided for shall return into the treasury, others due at the same time, for the same amounts, and bearing the same interest as those returned, may be issued in their places, until the expiration of three years from the passage of this ordinance; after which time they shall be redeemable at the pleasure of the state, and shall cease to bear interest after they are called in by the treasurer for redemption.

Mr. Stillwell, on leave, introduced the following

ORDINANCE No. 56.

An Ordinance *to suspend the operation of an act of the General Assembly, entitled "an act amendatory of the militia laws of the State of Arkansas," approved the* 21*st of January*, 1861.

Section 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the act of the General Assembly of said state, approved on the twenty-first day of January, A. D. 1861, entitled "an act amendatory of the militia laws of the State of Arkanses," be, and the same is hereby suspended until the further order of this convention, or of the General Assembly of the state.

Sec. 2. *Be it further ordained*, That the auditor of public accounts be, and he is hereby prohibited from drawing warrants on the treasurer under the provisions of said act while the same is suspended as provided in the first section of this ordinance.

SEC. 3. *Be it further ordained,* That this ordinance be in force from and after its adoption.

At 10 o'clock a. m., Hons. E. H. English and H. F. Fairchild, judges of the supreme court, together with the Hon. John I. Stirman, secretary of state, appeared within the bar and took the oath prescribed by ordinance No. 35.

On motion of Mr. Totten of Prairie, Mr. Echols, late delegate from Calhoun county, was invited to a seat upon the floor of the convention.

Mr. President stated the question to be upon the adoption of the ordinance introduced by Mr. Stillwell.

Mr. Mayo moved to lay it on the table; which motion was lost.

Mr. Mayo moved to refer the ordinance to the committee on military affairs; which motion was also lost, and the ordinance, on motion of Mr. Floyd, was adopted.

Mr. Patterson of Jackson, introduced the following

ORDINANCE No. 57.

AN ORDINANCE *fixing the military rank of the military board created by this convention by ordinance adopted the 15th day of May, A. D.* 1861.

Be it and it is hereby ordained by the people of the State of Arkansas in convention assembled, That the military board heretofore created by an ordinance of this convention, shall out rank and be in authority above any and all military officers holding commission under the authority of the State of Arkansas, and that this ordinance shall take effect and be in force from and after its adoption.

Which was adopted.

Mr. President submitted the following communication:

THE STATE OF ARKANSAS,
EXECUTIVE DEPARTMENT,
Little Rock, May 23d, 1861.

SIR: I am too unwell to leave my room to-day, and in consequence cannot appear before the convention to-day, in accordance with the requirements of the ordinance prescribing the oath to be taken by officers in the service of the state.

I would respectfully suggest to the honorable body over which you preside, that a committee be appointed to wait upon me at my residence, with power to perform everything necessary to be done under the oreinance.

I have the honor to be
Very respectfully,
Your obedient servant,
H. M. RECTOR.

Hon. DAVID WALKER,
President of the State Convention,
Little Rock, Arkansas.

Which was read, and Mr. Grace introduced the following

ORDINANCE No. 58.

Be it ordained by the people of the State of Arkansas in convention assembled, That the ordinance passed by this convention on day before yesterday, requiring the governor and certain other officers therein mentioned, to appear before this convention by the hour of 11 o'clock of this day, and take the oath prescribed by this convention, be, and the same is, hereby repealed, so far as it relates to the governor; and,

Be it further ordained, That a committee of three be appointed, consisting of the president and two other members of this convention, to wait on the governor at his residence in the city of Little Rock, forthwith, and administer to Henry M. Rector, governor of the State of Arkansas, said oath.

Which was adopted.

At half past 10 o'clock, a. m., Capt. C. C. Danley and Hon. B. C. Totten, took the oath in open convention, as required by ordinance No. 35.

Mr. President appointed Messrs. Totten of Arkansas and Hobson a committee to accompany him to the residence of Gov. Rector, for the purpose of administering to him the required oath.

On motion of Mr. Hanly, the convention took a recess for the space of half an hour.

At the expiration of which time, the convention was called to order, and Mr. Totten of Arkansas made the following

REPORT:

Mr. PRESIDENT—

In obedience to the order of the convention, the committee appointed for the purpose, repaired to the residence of Henry M. Rector, governor of the State of Arkansas, for the purpose of administering to him the oath prescribed by an ordinance, entitled "an ordinance prescribing an oath to be taken by all military and civil officers in the service of this state and for other purposes;" and then and there the oath prescribed in said ordinance, was administered to the said Henry M. Rector, governor as aforesaid, in due form of law, by the Hon. David Walker, President of the Convention of the State of Arkansas.

The committee take pleasure in stating that the governor promptly and cheerfully complied with the ordinance of this convention.

All of which is respectfully submitted.

TOTTEN, *Chairman.*

Which was read and received.

Mr. Gould introduced

ORDINANCE No. 59.

AN ORDINANCE *to enable the military board to call in all the arms belonging to the state not now in the hands of enlisted soldiers.*

It is hereby ordained by the people of the State of Arkansas, in convention assembled, That the military board are hereby authorized and empowered to cause to be returned to the arsenal at Little Rock, or to be deposited at any point they may direct, all or any of the arms which have been distributed by virtue of an act of the General Assembly approved January 21, 1861, and all other arms distributed by the govornor, whenever in the opinion of said board the public interest requires the same to be done. And for this purpose, they shall have the right to pass all laws and orders to cause their commands to be executed and obeyed.

Which was read.

Mr. Totten moved its reference to the committee on military affairs.

Mr. Cypert moved to amend by instructing such committee to report to-morrow.

Which was accepted, and the motion prevailed.

Mr. Adams of Phillips offered the following

RESOLUTION:

Resolved, That a committee of three be appointed by the president to select and report for the action of the convention a suitable device for a flag; and also for a coat-of-arms for this state.

Which was adopted.

Mr. President laid before the convention the following

DISPATCH:

HELENA May 23, 1861.

President and Members of
Arkansas Convention:

By authority of President Davis, I am raising a regiment of infantry for during the war, intended, I think, for frontier service—Helena is the rendezvous—two large companies in camp, others coming. Confederate States will furnish subsistence after regiment is mustered in—not before. Cannot furnish arms; will you not telegraph Gen. Bradley, to furnish me ten days rations, and muskets enough for regiment; he has over 1,200 surplus muskets. Men need clothing—will you advance $10,000, on same terms, as to first regiment? I intreat you to afford the aid requested. Give us a chance to fight for our country. Please act and answer to-day.

—T. C. HINDMAN.

Which was read, and referred to the military board.

Special order No. 15, entitled "an ordinance to prevent giving aid and comfort to the enemy," was taken up and read.

Mr. Totten of Prairie, moved to recommit, with instructions to provide for the appropriation of the indebtedness of the citizens of this State to citizens, on importations, in the non-slaveholding states in such manner as not to impair the right of Arkansas or other agents, interested in such claims, and in such manner as to make the collection gradual and as little burdensome to the debtor as may be.

Mr. Cypert moved to amend by including only from the 2nd to the 16th section, inclusive.

Which was accepted.

Mr. Fishback moved to lay the motion on the table; pending the discussion of which.

On motion of Mr. Smoote, the convention adjourned until to-morrow morning 9 o'clock.

DAVID WALKER,
President.

FRIDAY, *May* 24*th*, 1861.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Fuller, Gould, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hill, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—59.

Mr. Flanagin asked and obtained leave of absence for Mr. Fuller, on account of sickness.

Mr. Mnrphy asked and obtained leave of absence for Messrs. Mansfield and Gunter, on account of sickness in their respective families.

Mr. Floyd, from the committee on landed interest, made the following.

REPORT:

Mr. PRESIDENT—

The committee on the landed interest of the State of Arkansas, having fully considered of the importance of the new relations of things that is now to be inaugurated within the state, from the fact, that the State of Arkansas, in her sovereign capacity, having fully invested herself with the full possession and ownership of all the vacant and unsold lands within the limits of the state, that was formerly held and owned by the government of the United States.

Owing to the fact that there are so many seemingly necessary changes to made in our new relations, that we have lately assumed, the committee are of opinion, and are fully convinced, that the fewer changes of the old order of things that has so long existed, would be the better policy at the present time, leaving all that can be to the future action of the Legislature, for their mature deliberation.

As we are fully convinced that this course will go a long ways to quiet and settle in the minds of the people much of the excitement now existing in the troublesome times we are now unfortunately thrust—yet, under all the circumstances, we have come to the conclusion that it would be proper and prudent to report and ask the adoption of the accompanying ordinance in order that the lands may be sold so that the proceeds arising from the sale of said lands can be applied to our defence, as every dollar is now greatly needed for war purposes.

All of which is most respectfully submitted.

WM. W. FLOYD, *Chairman.*

Which was read and received.

The following

ORDINANCE NO. 60,

Recommended by said committee, was then read.

AN ORDINANCE *to be entitled an ordinance to regulate for the time being the sales of public lands within this state.*

Be it ordained by the people of the State of Arkansas in sovereign convention assembled, That all the land offices within this state that have been conducted under the laws and regulations of the federal government of the United States be, and the same are, hereby continued and to be conducted under the control and authorities of the State of Arkansas, and that the registers and receivers of the several land offices shall be fully authorized to continue to perform their several respective duties as such under the same laws, rules and regulations as they have been heretofore governed. And that within sixty days from the adoption of this ordinance that each register and receiver of public moneys shall file with the governor of this state their bonds, with good and sufficient securities, to be approved of by the governor, for the faithful performance of their respective duties to the State of Arkansas. The register in the sum of ten thousand dollars, and the receiver in the sum of fifty thousand dollars, and at the same time shall take the oath of office that has been prescribed by this convention.

Be it further ordained, That said register and receiver of public moneys shall hereafter make their reports to the auditor of public accounts in the same way, at the same time, and the same manner that they were heretofore required to do and perform to the authorities at the city of Washington, and the receiver of public moneys shall make his payments to the state treasurer, and take from him duplicate receipts and file one with the auditor. And the auditor of public accounts shall keep all his transactions with the registers and receivers in a separate set of books kept by him for that purpose. And the registers and receivers shall receive the same salaries and commissions that they now receive, to be paid quarterly out of the state treasury, and out of the particular land funds received from the sales of public lands and enough money arising from the sales of public lands, be and the same is hereby appropriated to pay the same.

Be it further ordained, That all the military land warrants that have been located at any of the land offices within this state since the 6th day of May, A. D. 1861, by any register of the land office, is hereby declared void, and that no land warrant shall hereafter be located on any of the lands within this state, except such land warrants as were issued to Arkansas soldiers or volunteers—their widows or children, or to any soldiers of the wars of the United States, their widows or children who are residents of the State of Arkansas.

Be it further ordained, That all lands that have been reserved by the United States in any and all railroad surveys within this state, shall hereafter be sold by the register of the several land offices at one dollar and twenty-five cents per acre; and that the tract of unsurveyed lands known as the Cherokee reserve, at the mouth of the Illinois Bayou, in Pope county, on the Arkansas river, be surveyed and subdivided under and by the directions of the auditor of public accounts, who shall make the proper plats and furnish the register of the land office of the Clarksville land district, with a copy of the same; and the register aforesaid shall advertise the said land for sale, to take place on the first Monday of January, A. D. 1862, in some newspapers published in the city of Little Rock, at least sixty days before the day of sale, and the same shall be sold for cash in hand in lots or subdivisions, not exceeding eighty acres, with fractions more or less, and all of said lands that remain unsold shall be subject to private entry or sale at one dollar and twenty-five cents per acre, after the day of sale, and a sufficient amount of money is hereby appropriated out of the state rteasury to pay the expense of making surveys and maps and plats.

Be it ordained, That all the swamp lands that have been located and reported as such to the proper authorities of this state, and which have not been confirmed by the commissioner of the general land office, and the authorities at the city of Washington, be, and the same is hereby deemed to be fully confirmed, and have the same effect by the confirmation as though the same was patented to the State of Arkansas; except all those tracts or parcels of land that have been sold by the several land offices of the United States before any of said lands were located as swamp land, to any party or parties whatever, who shall be entitled to their patent deeds for the same. And all the swamp lands that have herein been confirmed shall be certified by proper lists and maps and plats to the several swamp land offices, under the direction of the auditor of the state. And the swamp land agents shall, in all things, be governed by existing laws, in advertising and making sales of said lands, at all times guarding the rights of pre-emptors on said lands, and in order to enable the auditor to prepare the lists as aforesaid of all the swamp lands hereby confirmed, that the swamp land secretary is hereby required to turn over to the auditor of the state, all the reports of lists of swamp lands that have been reported to him by the locators in the several counties, to be used by the auditor in preparing the necessary and proper lists, and after he has fully prepared all the lists necessary, he shall restore the same to the swamp land secretary.

Be it further ordained, That all persons whatever, who have bought or entered any lands at any of the land offices of the United States, and have paid for the same at the graduated or any other price, for actual settlement or otherwise, shall have their patents delivered to them by the registers of the land offices upon the surrender of the certificates of purchase, if said patents shall be in their office, and all patents now remaining in the register's offices shall there so remain until disposed of hereafter by the legislature.

Be it further ordained, That the auditor shall appoint some suitable and discreet person if he thinks the public interest shall demand it, to examine the books and accounts rendered by all the land offices within this state, to see if everything has been properly accounted for, and make report to him, and pay him a reasonable compensation therefor out of the funds arising from the sale of lands.

Be it further ordained, That each register and receiver shall be required to file with the auditor of public acconnts, a full schedule, under oath, of all the public property heretofore belonging to the federal government now in their hands, as such register and receiver, and at the same time execute a receipt therefor to the State of Arkansas. And should any register or receiver fail or refuse to comply with the requirements of this ordinance, or should die or resign, then, in that case, the governor of this state shall appoint some proper and suitable person to fill such vacancy. And the said register and receiver shall be required to take the proper oath and give the required bond for the faithful performance of duty—which appointment shall continue till the last day the next regular biennial session of the legislature.

Be it further ordained, That the auditor of public accounts be, and he is hereby made the custodian of the books, maps, plats, furniture, and all papers of all description, and all property pertaining to the surveyor general's office of this state, and that the same shall be turned over to him: and that the secretary of state be, and he is hereby required to furnish a suitable room for the safe keeping of the same. That the officer or person, or persons, or officers having any such papers, plats, maps, books, or other matters in their possessions, shall deliver the same to the order of the auditor, who shall sign a properly prepared receipt for the same. And the said auditor is hereby directed and required to furnish the governor or military board copies of any records, maps or plats, and information therein contained, promptly and without charge, to the end that any maps needed or required to carry out any military operation, may be speedily placed in their hands, or the hands of any officer or board of officers requiring the same. And said officers, if occasion shall require, may employ a good draughtsman to make such maps, or other copies of plats or paoers for other persons or parties, for the same fees as are, or was, allowed by law to the officers heretofore in charge of said records or archives.

Be it further ordained, That the convention, on the adoption of this ordinance, elect one register of the land office at Clarksville.

Be it further ordained, That the receivers of public moneys, or the securities of any receivers of public moneys, are hereby ordered and directed to pay into the state treasury all moneys now in their hands in possession, to which the government of the United States was heretofore entitled to receive, and take from the state treasurer duplicate receipts for the same, and file one of the same with the auditor of public accounts; and if they shall fully pay all of said money in their hands, then the convention hereby pledge the sovereignty of the State of Arkansas to hold all of said parties harmless on their bonds to the United States.

Be it further ordained, All regular and valid entries of seminary, saline, internal improvement or swamp lands, whether the said swamp lands have, or not, been patented to the state, are hereby confirmed, and the holder of any original or patent certificate, or his or her assignee, or the party or parties in whom the legal title to the land exists, may present their certificate to the auditor of public accounts of the State of Arkansas, who, if he find that the sale of such land was made in conformity to law, and has been fully paid for, shall execute under his hand and official seal, a deed conveying all the right, title and interest of the state thereto, in the same manner as deeds are made to donees of forfeited lands by the auditor, except as to acknowledgment of the same, and the auditor shall be sufficient verification of the deed so made, and further, made evidence in any court of record of this state. And lands sold by the registers of the land offices, for which patents have not issued, and all that may be hereafter sold by them shall have deeds issued for in like manner. The auditor shall not issue any certificate, but make deeds and file the original certificate, and keep an abstract of the deeds so made, from which abstracts he may issue duplicates; and for services in examining, filing, making deeds and record of the same, the auditor shall be entitled to a fee of one dollar on each deed so made, and from the fees so received for deeds on lands sold by the registers, shall pay a competent clerk to write or fill up the same, without charge to the state for the services of such clerk. And that the auditor of public accounts, and the treasurer of this state be, and they are hereby fully authorized to appoint each, one deputy, which shall be done in writing, and the deputy so appointed shall take the oath now required by law, and such appointment shall be filed with the secretary of state; and the auditor and treasurer shall be responsible on their official bonds for all the acts and conduct done and peformed by their deputies, respectively, in the performance of their official duties.

Be it further ordained, That patents shall be issued to, and in the name of all persons who may have entered any of the public lands of the United States, prior to the 6th day of May, 1861, not patented up to this time by the United States, in the same way in which deeds or patents are authorized to be issued upon swamp land entries, according to the law now in force, and the presentation and surrender of the receipt of the receiver of public moneys of the United States shall be sufficient to authorize the issuance of such deed or patent for the lands in such receipt set forth, for which service the officers issuing the same shall be entitled to the same fee that they are now entitled to by law for issuing deeds or patents for sixteenth section entries.

Be it further ordained, That it shall not be necessary for those who may have entered the lands of the United States under the acts of Congress graduating the price of such lands to make the required proof of habitation and cultivation under the said acts; but all such entries be, and they are hereby, in all things, ratified and confirmed, without such proof to be patented in the manner provided in the last preceding section.

Sec. —. All sales of swamp land heretofore advertised by any of the swamp land agents in the state, under the direction of the state authorities, or any sales ordered to be advertised hereafter, are hereby suspended, until otherwise directed by the state legislature: and all persons who have filed pre-emptions upon any of said swamp lands, shall not be required to pay out the same before such day as the public sale of the swamp lands in the district where such pre-emptions are filed, shall be ordered by the legislature or other competent authority.

Sec. —. All laws of the state regulating pre-emptions are hereby continued in force.

Be it further ordained, That this ordinanee shall remain in full force and effect until the next biennial session of the General Assembly.

Mr. Kennard and Mr. Hanly offered the additional sections, (the three last), which, together with the ordinance here ordered to be printed, and made the special order for Monday morning 9 o'clock.

Mr. Yell, from the committee on military affairs, made the following

REPORT.

Mr. President—

The committee on military affairs, to whom was referred an ordinance to enable the military board to call in all the arms belonging to the state, not now in the hands of enlisted soldiers, have had that ordinance under consideration, and directed me to report the same back to the convention, with a slight amendment by them made, and recommend its passage.

All of which is respectfully submitted,

YELL, *Chairman.*

Which was read and received; and the following

ORDINANCE No. 59,

as amended by said committee, was read:

An Ordinance *to enable the military board to call in all the arms belonging to the state not now in the hands of enlisted soldiers.*

It is hereby ordained by the people of the State of Arkansas in convention assembled, That the military board is hereby authorized and empowered to cause to be returned to the arsenal, at Little Rock, or to be deposited at any point which they may direct, all, or any of the arms which have been distributed by virtue of an act of the General Assembly, approved January 21st, 1861, and all other arms distributed by the governor, whenever, in the opinion of said board, the public interest requires the same to be done, and for this purpose, they shall have the right to pass all laws and orders to cause their commands to be executed and obeyed.

Which ordinance was adopted.

Mr. Yell, from the same committee, made the following

REPORT:

Mr. President—

The committee on military affairs, to whom was referred the petition of Col. J. J. Gaines, signed by numerous officers, requesting this convention to appoint him major, and give him the command of two artillery companies now at Camp Rector, have had that matter under consideration, and direct me to report the same back to the convention, and recommend that the secretary of this convention deliver the same to the military board, who have been fully empowered by this convention to act upon all matters of this description.

YELL, *Chairman.*

Which was read and adopted.

Mr. Yell, from the same committee, also made the following

REPORT:

Mr. President—

The committee on military affairs, to whom was referred "an ordinance to authorize the governor of Arkansas to accept a regiment, and tender the same to the Confederate States," have had that ordinance under consideration, and have directed me to report the same back to this convention, and recommend that the secretary of this convention be ordered to deliver the same to the military board, who have been heretofore, by this convention, empowered to act upon all matters of this kind.

All of which is respectfully submitted.

YELL, *Chairman.*

Which was adopted.

Mr. Grace offered the following

RESOLUTION:

Resolved, That all committees of this convention, to whom has been referred any claim or account against the State of Arkansas, be, and they are hereby required to turn the same over to the military board.

Which was adopted.

Mr. Hanly from the committee on judiciary, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred the accompanying resolution, instruct me to report that they have had the subject under consideration, and leave to recommend to your honorable body the passage of the ordinance herewith submitted, which has been prepared to meet the views expressed by the resolution in question.

All of which is respectfully submitted,

HANLY, *Chairman.*

Which report was adopted.

Ordinance No. 61, recommended in said report was then read.

ORDINANCE No. 61.

To provide for the payment of debts due from the government of the United States to citizens of the State of Arkansas and of the Confederate States, out of moneys seized from the United States by the State of Arkansas.

SEC. 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That all moneys in the hands of any officer of the United States, within the State of Arkansas, previous to the sixth day of May, A. D., 1861, which have been, or may hereafter be seized, to the use of the state, shall be, and the same are hereby declared to be held in trust by the state, so far as the same may be necessary, for the payment of claims justly due from the government of the United States to the citizens of the State of Arkansas, or of any one of the Confederate States of America, on or before the said sixth day of May; *Provided*, That such claims shall be presented and authenticated as hereinafter required.

SEC. 2. *Be it ordained*, That before payment shall be made of any claim of the character specified in the foregoing section, whether the same be evidenced by draft, certificate of any United States officer, or otherwise, the claimant shall file his draft, or other evidence of debt, in the office of the auditor of public accounts of the State of Arkansas, and make proof which shall be satisfactory to the auditor, that the debt is justly due; that the claimant is a citizen of this state or of one of the Confederate States of America; that he is *bona fide* the original holder or owner thereof, or an assignee for value, and that was such holder, owner or assignee previous to the 6th of May, A. D. 1861; *Provided*, That after such proof shall be made, such claim shall remain on file in the auditor's office, for ninety days from the date of the passage of this ordinance, at the expiration of which time, the auditor shall make an estimate of the whole amount of moneys seized from the United States, as specified in the foregoing section, and of the whole amount of such claims; and if there shall be a sufficiency of such moneys, to pay the whole of such claims, then the auditor shall draw his warrants upon the treasury, in favor of such claimants, for the full amount of their respective claims. But if the whole amount of said claims exceed the whole amount of such moneys, then the auditor shall draw warrants on the treasury for the payment of said claims, *pro rata*.

SEC. 3. *Be it ordained*, That immediately after the passage of this ordinance, the auditor shall give notice, by advertisement in at least five newspapers published in this state, of the provisions thereof; requiring all persons having claims of the character referred to in the first section of this ordinance, to present the same to him, within ninety days, for examination.

SEC. 4. *Be it ordained*, That no claimant shall be entitled to the benefit of the provisions of this ordinance, unless he shall present his claim within the time prescribed in the foregoing section.

SEC. 5. *Be it ordained*, That the auditor shall keep a record of all his proceedings under the provisions of this ordinance, as of other official transactions, and make report of the same to the legislature of the state.

Amendment proposed by Mr. Cypert—add to last section.

And that the auditor shall be allowed the same fees as is now allowed for like services by the laws of this state.

Amendment proposed by Mr. Batson—additional section.

Be it further ordained, That it shall be the duty of the United States pension agent for the State of Arkansas, or other person having possession of the same, to deliver to the auditor the pension roll, and all books and papers pertaining to such agency, and the auditor upon the application of any pensioner, and proof being filed as required by the laws of the United States, shall issue his warrant upon the treasurer of this state, for the amount due such pensioner to the 6th May, 1861.

Mr. Cypert offered an amendment, and Mr. Batson, an additional section, which were read.

On motion of Mr. Kennard, 100 copies of the ordinance and proposed amendment and addition, were ordered to be printed for the use of the convention.

Mr. Turner presented the following memorial of John Thurston, asking indemnification for damages his steamboat had sustained in the service of the state.

To the honorable Convention of the people of
Arkansas, now in session:

Your memorialist, John Thurston, a citizen of the county of Crawford, in the State of Arkansas, would respectfully represent that he is the owner of a steam-boat recently plying upon the Arkansas river, that said boat was taken possession of at Mulberry landing on said river, on the 28th April, 1861, by Col. Solon Borland commanding detachment of volunteers in the service of said state as will appear by his protest against hereto annexed.

That the said volunteers, while upon said boat, injured and defaced the furniture of said boat, and otherwise damaged her. That the damages sustained amount to five hundred dollars; and your memorialist would respectfully submit to your honorable body that compensation should be made to him for the damages aforesaid.

JOHN THRUSTON,
By WILLIAM GARRETT.

Witness:
JAMES McDOUGAL.

STATE OF ARKANSAS, }
COUNTY OF CRAWFORD. }

By this public act of protest, be it made manifest, that on this fourth day of May, in the year of our Lord, one thousand, eight hundred and sixty-one, before me, the undersigned, an acting and duly commissioned justice of the peace, within and for the county and state aforesaid—and residing in the city of Van Buren in said county and state—personally came and appeared John Thruston, master, captain and sole legal owner of the steam-boat "Lady Walton," who being duly sworn, upon his oath, deposed and said, that on the twenty-eighth (28th) day of April, A. D. 1861, in his said capacity of master and captain of said steam-boat, he contracted, at the port of Fort Smith, with Col. Solon Borland, then in command of certain volunteer troops of the State of Arkansas, at the garrison at Fort Smith, to carry said troops, to the number of two hundred and fifty, from said port of Ft. Smith to the city of Little Rock, in said state for the sum of thirteen hundred dollars, to be paid at said city of Little Rock, upon the arrival of said steamboat at that port. That on said twenty-eighth day of April, A. D. 1861, in his said capacity of master and captain of said steamboat, to carry out and perform said contract, so entered into as aforesaid, with said Col. Solon Borland—he, the said John Thruston, left the said port of Ft. Smith, with the said troops on board of said steam-boat. The said boat being then light and staunch, well manned and provided, and the engine thereof in good order—and said boat being partially insured; and the said John Thruston further says that he proceeded with said boat on said voyage down the Arkansas river to a point on the north side thereof, called Mulberry landing, about forty-nine miles below the said port of Fort Smith, where, about sunset of said day, the said boat was by him, the said captain and master landed, for the purpose of taking in necessary wood. That while engaged with his crew in taking it on board, it grew dark, that is to say night come on. It was not a cloudy, but star-light night. There was no moon, and the river was quite low and full of snags.

This master further states—That upon consultation with his pilots, (McDougal and Duval) he concluded that it was unsafe to proceed until the moon should rise, and said pilots refused to proceed for this master until such time as the moon should rise. In fact the said pilots gave it as their opinion that it would be very unsafe in the (then) stage of water to proceed with the said boat at all until day-light. That about three hours after the boat was landed, as aforesaid, the said Col. Solon Borland took the said boat out of the control of and from the command of this appearer, and placed another officer, not a member of the said boats crew, or one of her officers, in command thereof, and with her, under the command of his said appointee, continued the voyage in the night time, of the night aforesaid.

This appearer, the said John Thruston, so soon as the boat aforesaid was so taken from his command, as aforesaid, got off of her, and she, the said boat, as aforesaid, proceeded without him on her voyage.

That at the time and place he was deposed, as aforesaid, from the command of said boat, this appearer, John Thruston, had no opportunity to make a formal protest against the act of the said Col. Solon Borland, aforesaid—and therefore he formally does the same at this time.

This appearer further says, that at the time he was so deposed from the command of the said boat, all his officers were aboard and he at his post.

That it would have been unwise and unsafe at the time for him to have proceeded with the said boat on the voyage.

Therefore, the said John Thruston, late captain of the said steam-boat, and at his request, I, the said justice of the peace, do, by these presents, most solemnly publicly protest against the acts of the said Col. Borland, in so deposing the said captain and master from the command of the said steam-boat, for all losses, detriment or damage which are the value of said boat, that hath happened or that may hereafter happen to the said steam-boat "Lady Walton," and her cargo, or any part thereof—hereby declaring that the same have happened as hereinbefore stated, and of right should be borne by the State of Arkansas and not by the said master and owner.

Done and protested at Van Buren, Arkansas.

In testimony whereof, I have hereunto set my hand officially, as such justice, as aforesaid, this 4th day of May, A. D. 1861. The said appearer, John Thruston, signing after me his name.

JOS. W. SPIVEY, *J. P.*
JOHN THRUSTON,
Master and owner of steam-boat "Lady Walton."

STATE OF ARKANSAS,
County of Crawford,

I, Edward A. Scott, clerk of the county court, within and for said county of Crawford, do hereby certify that Jos. W. Spivey, whose signature appears to the foregoing instrument of writing is, and was at the time, an acting and duly commissioned justice of the peace, within and for said county, that his official acts are entitled to full faith and credit, and that his signature is genuine, as I verily believe.

In testimony whereof, I have hereunto set my hand as such clerk, and affixed the seal of said court, at office, this 4th day of May, A. D. 1861.

ED. A. SCOTT, *Clerk.*

Mr. Smoote moved to lay the memorial on the table; which motion was lost, and the memorial, upon the motion of Mr. Turner, was referred to the committee on state affairs.

Mr. Yell, from the committee on military affairs, made the following

REPORT:

Mr. President—

The committee on military affairs, to whom was referred a resolution requesting the said committee to report a plan for the efficient organization and arming the militia, have had the same under consideration, and instruct me to report that the two bills reported by them, one for the organization of a military board, and the other for the organization of an active volunteer corps, is in accordance with the requirements of this resolution and supercedes the necessity of any further ordinance on this subject. All of which is respectfully submitted.

YELL, *Chairman.*

Which report was adopted.

Mr. Yell, from the same committee, also made the following

REPORT:

Mr. PRESIDENT—

The committee on military affairs, to whom was referred the resolution requiring said committee to report an ordinance for the governor or military board to receive all volunteer companies and regiments that might report themselves as ready for service, have had that subject under consideration, and instruct me to report that the requirements in this resolution are all fully provided for in the bill to establish a military board, and the bill to establish an active volunteer corps for the State of Arkansas. All of which is respectfully submitted.

YELL, *Chairman.*

Which report was also adopted, and the resolution referred to thereby rejected.

Mr. Yell, from the same committee, submitted the following

REPORT:

Mr. PRESIDENT—

The military committee, to whom was referred the resolution requesting that the governor, by ordinance, be instructed to accept of such organized military volunteer companies as have been tendered to him for service of the state. But to receive no pay until they are mustered into service, have had that matter under consideration, and they have instructed me to report that the bill establishing an active volunteer corps for the state, passed by this convention, fully provides for the matters contained in this resolution. And that there is no need for further action by this convention on the subject. All of which is respectfully submitted.

YELL, *Chairman.*

Which was also adopted.

Mr. Yell, from the same committee, likewise made the following

REPORT:

Mr. PRESIDENT—

The committee on military affairs, to whom was referred the resolution to instruct the governor of this state to purchase all the sulphur in the state, have had that matter under consideration, and have come to the conclusion that it would not be advisable to require the governor to purchase all the sulphur in the state. The state could not use any considerable quantity of it, unless she undertakes to manufacture powder. And your committee are of opinion that the state is not in a condition to undertake any such enterprise at present, and that all such enterprises will do better and cost less when undertaken by individuals on their own responsibility.

They therefore recommend that said resolution be rejected.

All of which is respectfully submitted.

YELL, *Chairman.*

Which report was adopted—and the resolution consequently rejected.

Mr. Yell, from the same committee, also made the following

REPORT:

Mr. President:

The committee on military affairs, to whom was referred the resolution requesting that two companies of the county of Polk should be furnished with powder and lead, have had that matter under consideration, and have requested me to report that all matters of a military character, and all the munitions of war, are by this convention submitted to the control of a military board, established for that purpose, and that there is no need for a further ordinance on that subject.

YELL, *Chairman.*

Which was also adopted.

Mr. Yell, from the same committee made the following

REPORT:

Mr. President—

The committee on military affairs, to whom was referred a resolution requiring that all companies that have, or may tender their services to the governor for service, should have arms upon their giving bond for the same, have had that matter under consideration, and have recommended the rejection of the resolution, because the state has not now sufficient arms for the men that are going into active service.

All of which is respectfully submitted.

YELL, *Chairman.*

This is now provided for by the ordinance adopted this morning.
YELL, *Chairman.*

Which report was also adopted.

Mr. Yell from the same committee made the following

REPORT:

Mr. President—

The military committee, to whom was referred the letter of S. D. Morgan, desiring information on the subject of the minerals and geological survey of the State of Arkansas, have had that matter under consideration and have concluded that such information might be of much advantage to him and probably aid in some way his means of manufacturing powder. They have, therefore concluded that such geological survey should be furnished him.

They have, therefore instructed me to report the following resolution, for your adoption. All of which is respectfully submitted.

YELL, *Chairman*.

Be it resolved by the convention of the State of Arkansas, That the secretary of state be, and he is hereby required to send one copy of the geological survey of the state to S. D. Morgan, with all other information that he may have on the same subject, to Nashville, Tennessee, at the cost of the state, for which he is authorized to draw on the treasury.

Which report and resolution were adopted.

Mr. Hobbs offered the following

RESOLUTION:

Resolved, That the committee on ways and means be directed to enquire into the propriety of levying a *per capita* tax on all negroes, for war purposes, and report to this convention, by ordinance or otherwise, at their earliest convenience.

Which was referred to the committee on ways and means.

Mr. Grace presented a memorial from certain citizens of Richland township, in Jefferson county, praying that soldiers lands may be released from taxation, while such soldiers are in the military service.

Which was referred to the committee on state affairs.

Mr. Johnson, from a select committee, made the following

REPORT:

Mr. President—

The select committee to whom was referred the resolution to enquire into the condition of the muskets and other arms now in the arsenal at Little Rock, respectfully report that they have made examination of said arms, and refer you to the inventory of ordinance No. 2—statement "C," of May the 7th 1861, which has been transmitted to this body by his excellency, the governor for the number and character of the same.

Owing to the threatened condition of our state, we would recommend no change in said arms for the present, as we found them in excellent condition, except 4,569 that were flint lock muskets and 89 flint lock holster pistols; and the time it would take to make the change from flint to percussion locks would require about ninety days.

Your committee would further recommend that if a suitable opportunity should be offered to change said flint locks to percussion, that the military board, heretofore created by this body, be authorized to make said change.

JOHNSON, *Chairman.*

Which was read and adopted.

Mr. Baber offered the following

RESOLUTION:

Resolved, That the auditor be, and he is, hereby required to draw his warrant upon the treasurer for the sum of sixty-seven dollars and sixty five cents, in favor of David Walker, to be paid out of any money in the treasury, not otherwise appropriated. Said sum of sixty-seven dollars and sixty-five cents having been paid by said Walker for telegraphic dispatches, and the payment of which has been recommended by the committee on ways and means.

Which resolution was adopted.

Mr. Kennard offered the following

RESOLUTION:

Resolved, That no ordinance or resolution in regard to any matter properly under the jurisdiction and control of the military board will hereafter be considered by this convention.

Which was adopted.

Mr. Dinsmore offered the following

RESOLUTION:

Resolved, That this convention adjourn on Wednesday, the 9th instant, to meet on the first Monday of November next, unless sooner convened by the call of the military board, who shall have power to declare the convention adjourned sine die, should there be no necessity for again convening it.

Mr. Flanagin moved to amend by saying "adjourn sine die," instead of to a definite time.

Mr. Baber moved to postpone the consideration of the subject until Wednesday next.

Whereupon, Mr. Dinsmore withdrew his resolution.

Mr. Hawkins of Ashley offered the following

RESOLUTION:

Resolved, That this convention take a recess on Friday next, until the 1st December, 1863, subject to be assembled by the president thereof sooner, if necessary; and, if the same is not convened before that time, the adjournment shall be considered sine die.

Mr. Batson offered the following as a substitute:

Resolved, That this convention shall hold a session of ten hours each day (Sunday excepted) until Friday next, and shall then adjourn *sine die*.

Mr. Floyd moved to postpone the consideration of this subject indefinitely; which motion prevailed.

Mr. Smoote moved to make the ordinance—No. 55½—entitled "an ordinance to provide revenue for the State of Arkansas," the special order for to-morrow, 9 o'clock.

Which motion also prevailed.

The motion of Mr. Totten of Prairie, made yesterday, to recommit, from the 2d to the 16th sections of ordinance No. 15, to the committee on state affairs, with certain instructions, was taken up.

Which motion, Mr. Fishback moved to lay on the table.

Mr. Totten of Prairie called for the yeas and nays, and the call being sustained, was ordered and had with the following result:

Yeas—Messsrs. Adams of Izard, Austin, Bolinger, Campbell, Carrigan, Desha, Dodson, Fishback, Flanagin, Griffith, Kelley, Stallings and Turner—13.

Nays—Messrs. Adams of Phillips, Batson, Bush, Bussey, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dinsmore, Dollarhide, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Jester, Johnson, Kennard, Lanier, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stillwell, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Walker, Wallace, Yell and Mr. President—45.

So the motion to lay upon the table did not prevail, and ordinance No. 15, from section 2 to section 16, was recommitted to the committee on state affairs.

On motion of Mr. Cypert, the remaining sections of ordinance No. 15 were referred to the committee on landed interests.

On motion of Mr. Hobbs, the convention took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cochran, Desha, Dinsmore, Dodson, Flanagin, Floyd, Fort, Gould, Griffith, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Johnson, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—51.

Mr. Baber asked and obtained leave of absence for Mr. Fishback on account of sickness.

Mr. Griffith, from the committee on enrollments, made the following

REPORT:

Mr. PRESIDENT—

The committee on enrollments have examined an ordinance for the organization of an efficient military corps for active service, and for other purposes.

An ordinance prescribing an oath to be taken by all military and civil officers in the service of this state, and for other purposes.

A resolution appropriating money to defray the expenses of a commissioner to the Indian country.

An ordinance to provide for co-operation with the forces of the Confederate States of America, in the defence of the western frontier.

A resolution in regard to medical stores being carried to the western frontier.

An ordinance for the relief of Hon. F. W. Compton.

A resolution in relation to the transfer of subsistence stores from the arsenal to the western frontier.

A resolution making an appropriation to S. H. Tucker & Co.

An ordinance authorizing the governor to grant pardons and remit fines and forfeitures in certain cases.

An ordinance for the relief of Francis M. Hill.

An ordinance supplementary to the ordinance entitled "an ordinance prescribing an oath to be taken by all civil and military officers in the service of this state, and for other purposes," heretofore adopted by this convention.

An ordinance to suspend the operation of an act of the General Assembly entitled "an act amendatory of the militia laws of the State of Arkansas," approved the 21st of January, 1861.

An ordinance to enable the military board to call in all the arms belonging to the state, not now in the hands of enlisted soldiers.

An ordinance fixing the military rank of the military board created by this convention, adopted the 15th day of May, A. D. 1861.

An ordinance for the relief of such citizens of the State of Arkansas as may be engaged in the military service of the State of Arkansas or of the Confederate States; and have instructed me to report the same to be correctly enrolled.

GRIFFITH, *Chairman.*

Which was received.

Mr. Murphy offered the following

RESOLUTION:

Resolved, That the secretary of state furnish each member of this convention with a copy of Gould's Digest, to be returned at the end of the session.

Which was adopted.

Ordinance No. 52, concerning proposed amendments to the constitution of this state, was then taken up.

The first section was read.

Mr. Clingman moved to amend by inserting after the word "state," in the ordinance, the words "as it appears in Gould's Digest." Also, under article 2, the No. "9" for the No. "8;" and also section "9", for section "10."

Which were adopted.

Mr. Floyd moved to amend by changing the words "United States" to "Confederate States," in 6th line of section 28, article 4, of the constitution.

Mr. Flanagin offered as a substitute the following

Strike out all of said section after the word "law," in 3d line.

Which was adopted.

Mr. Dinsmore moved a reconsideration of the action had on the ordinance, and suspend further action thereon.

Which did not prevail.

Mr. Yell moved to amend by adding to the section, as it was amended by Mr. Flanagin, the following:

"And all officers both civil and military, acting under the authority of this state, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the constitution of the Confederate States and of this state, and to demean themselves faithfully in office."

Mr. Carrigan moved to amend the amendment as follows:

Insert "State of Arkansas" before "Confederate States," and strike out "State of Arkansas" after "Confederate States."

Which was accepted.

Mr. Smith offered the following amendment to the amendment:

Amend by inserting after the word "law," in third line—

"And all officers, both civil and military, acting under the authority of this state, shall, before entering on the duties of their respective offices, take an oath or affirmation to support the constitution of the Confederate States and of this state, and to demean themselves faithfully in office."

Which was lost.

Mr. Flanagin moved to amend the amendment proposed by adding after the first word, "and," the words "after the present year."

Which was lost.

Mr. Batson offered to amend by adding to the amendment proposed, "and in addition thereto shall take such further oath or affirmation as may be prescribed by law."

Which was adopted.

The question was then stated on the adoption of the amendment as amended.

Mr. Murphy was called to the chair.

Mr. President, after discussion, moved that the ordinance be recommitted to the committee on judiciary, with instructions to report whatever amendments may to them seem necessary, etc.

Which motion prevailed, and the ordinance was recommitted.

Mr. Hanly, from the committee on judiciary, made the following

REPORT:

Mr. President—

The committee on judiciary, to whom was referred the subject of the ordinance, herewith returned to your honorable body, have had the same under consideration, and instruct me to report the same back and recommend the passage of the accompanying ordinance, which your committee have prepared to meet the views of the committee on the subject.

All of which is respectfully submitted.

HANLY, *Chairman.*

ORDINANCE No. 62,

Was then read and placed upon the calendar.

On motion of Mr. Hobbs, the covention adjourned until to-morrow morning, 9 o'clock.

DAVID WALKER,
President.

SATURDAY, *May 25th*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Stallings, Stirman, Stout, Tatum, Turner, Walker, Wallace, Watkins and Mr. President—55.

The journal of yesterday was read, approved and signed.

Mr. Stillwell presented the credentials of Hon. George C. Watkins, a delegate from Pulaski county, elected to fill the vacancy occasioned by the resignation of Hon. A. H. Garland.

Which were received, and Mr. Watkins appeared and took his seat as a delegate to this convention.

Mr. Floyd, from the committee on landed interests, made the following

REPORT:

Mr. PRESIDENT—

The standing committee on the landed interest of the state, to whom was referred ordinance No. 27, concerning the archives of the surveyor generals office, have had the same under consideration, and have directed me to report that the whole subject has been fully provided for in the ordinance now reported to the convention, and made the order of the day for Monday next. All of which is respectfully submitted, and ask to be discharged from the further consideration of the same.

FLOYD, *Chairman.*

Which was read and adopted.

Mr. Floyd, from the same committee, also made the following

REPORT:

Mr. PRESIDENT—

The standing committee on the landed interest of the state, to whom was referred ordinance No. 26, requiring the delivery by the registers of land offices to keep and deliver all the patents in their possession to the proper persons entitled the same, would most respectfully report that the same has been properly considered and provided for in an ordinance now before the convention for adoption. All of which is most respectfully submitted, and ask to be discharged from the further consideration of the same.

FLOYD, *Chairman.*

Which was read and adopted.

Mr. Floyd, from the same committee, made the following

REPORT:

Mr. PRESIDENT—

The committee on landed interests to whom was referred ordinance No. 25, to suspend the further sale of swamp and overflowed lands in the Batesville land district, until the General Assembly shall otherwise direct, and to protect the rights of pre-emptors therein, have had the same under consideration, and have instructed me to make the following report, that the same being local to the Batesville land district, and the delegates from that district are of opinion that said lands should be suspended for the time being, so as to prevent speculators from absorbing and taking up all the land of said district to the injury of pre-emptors and actual settlers. Therefore your committee report the ordinance back and recommend its adoption.

FLOYD, *Chairman.*

Which report was received, and on motion of Mr. Flanagin, ordinance No. 25, was recommitted to the committee on landed interests, with instructions to report an ordinance for the relief of pre-emptors throughout this state.

Mr. Adams of Phillips, from the committee on state affairs, made the following

REPORT:

To the President and members of the convention:

The committee on state affairs to whom was referred the statement of the proceedings of "a meeting of the citizens of Richland township," concerning the taxes due by soldiers in the war, have had the same under consideration, and instruct me to report that in the judgment of the committee, there are two elements necessary beyond all doubt for the prosecution of the interests of the people of the Confederate States, to-wit: *men* and *money*, *men* who offer themselves upon the altar of their country, certainly should have the protection of their countrymen whenever and wherever necessary, and your committee entertain no doubt but that such protection will be given. *The private citizen at home* WILL *protect* from injury, those who are in the service of their country in the field, and *need* protection at home. Yet, your committee fear that any general *law* upon the subject would be prejudicial to the highest interests of the state in the present crisis, and therefore have instructed me to report that they do not now recommend any action by the convention upon this subject.

Which is respectfully submitted,

CHAS. W. ADAMS,
Chairman, pro tem.

Which was read and adopted.

Mr. Adams of Phillips, from the sume committee, made the following

REPORT:

Mr. PRESIDENT—

The committee on state affairs to whom was referred the memorial of John Thruston, have had the same under consideration, and have instructed me to report that in their opinion the subject alluded to in said memorial, is one peculiarly within the scope of, and fit for the action of the military board, and they do not think that this convention should consider the same; yet if it be the opinion of the convention that the power conferred upon the military board does not extend to such matters, your committee recommend that the committee on resolutions and ordinances be instructed to prepare an ordinance making the proper provisions therefor.

Which is respectfully submitted,

CHAS. W. ADAMS,
Chairman, pro tem.

Which was read and received and the memorial placed upon the calendar.

Mr. Adams of Phillips, from the same committee, made the following

REPORT:

To the President and members of the convention:

The committee on state affairs to whom was recommitted the ordinance entitled "an ordinance to prevent giving aid and comfort to the enemy," with instructions to provide for the appropriation of the indebtedness of the citizens of this state to citizens or corporations in the non-slaveholding states, in such manner as not to impair the rights of attorneys or other agents interested in such claims, and in such manner as to make the collection gradual and as little burthersome to the debtor as may be, have had the same under consideration, and have instructed me to report the following amendments to said ordinance; which are respectfully submitted.

CHAS. W. ADAMS,
Chairman, pro tem.

Which was read and received.

Mr. Kennard moved that 100 copies of the amendments proposed to the ordinance be printed, and that the ordinance be made the special order for Tuesday.

Mr. Johnson called for the yeas and nays, which was sustained, ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bush, Campbell, Carrigan, Clingman, Cypert, Desha, Dinsmore, Fishback, Flanagin, Floyd, Fort, Gould, Griffith, Hanly, Hill, Hobson, Jester, Kelley, Kennard, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stout, Turner, Watkins, Yell and Mr. President—33.

NAYS—Messrs. Adams of Phillips, Batson, Bussey, Cochran, Cryer, Dodson, Dollarhide, Grace, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Johnson, Lanier, Mayo, Patterson of Jackson, Rhodes, Robinson, Shelton, Slemons, Smoote, Spivey, Tatum, Totten of Arkansas, Walker, and Wallace—27.

So the motion prevailed, and the amendments proposed were ordered to be printed, and the ordinance and amendments were made the special order for Tuesday 9 o'clock.

Mr. Flanagin asked and obtained leave of absence for Mr. Fuller, on account of indisposition.

Mr. Johnson also obtained leave of absence for Mr. Totten of Prairie.

Mr. Turner offered the following

RESOLUTION:

Resolved, That the committee on ordinances be instructed to report an ordinance conferring on the military board power and authority to investigate, inquire into, and report upon all claims against the state growing out of or in any way connected with the military service of the state.

Which was adopted.

On motion of Mr. Batson, the name of Mr. Watkins was added to the committee on the judiciary.

On motion of Mr. Floyd, the special order, ordinance No. 55½, entitled "an ordinance to provide revenue for the State of Arkansas," was taken up.

The first section was read.

Mr. Flanagin moved to amend by adding:

And provided further, That an account shall be kept of the receipts into the treasury from each swamp land district for the purpose of future adjustment with said districts.

Mr. Watkins offered the following as an amendment to the amendment:

And in all cases where the state has made any grant of lands for any specific purpose, or has set apart or invested lands for any such purpose, for railroads, reclamation or any purpose of internal improvement, the proceeds arising from the sale of said lands, as contemplated by this ordinance, shall constitute a trust fund subject to be nppropriated by the General Assembly; for such purpose and object, whenever peace may be restored; and to that end the state will account for the same, with six per cent. interest thereon, to be computed on the respective amounts received in the treasury down the close of each fiscal year.

Which was accepted.

Mr. Hobson offered the following as an amendment to the amendment:

And provided further, That the swamp lands in the Champagnolle district remain as originally disposed of by the legislature of this state.

Mr. Turner moved to include the Clarksville land district; which was accepted.

Pending the discussion of which, Mr. Carrigan moved the recommittal of the ordinance and amendments to the committee on landed interests; whereupon,

Mr. Totten of Arkansas, offered the following as an additional section:

Sec. 14. *Be it further ordained*, That the land attorney and state collector be, and he is hereby directed to pay into the treasury of the State of Arkansas, without delay, all moneys that now may be in his hands as such land attorney and state collector; and that he be further directed to pay into the treasury of the state, without delay, any money that he may hereafter collect, taking receipts from the treasurer of the state for the same.

Which was read, and the motion to recommit the ordinance and amendments prevailed.

Mr. Adams of Phillips, offered the following

RESOLUTION:

Resolved, That his excellency, the governor, be, and he is hereby requested to communicate to this convention the facts which have transpired touching the execution of the act No. 108, passed by the General Assembly, and approved January 15, 1861; also of the act No. 116, passed and approved January 16, 1861.

Which was adopted.

Ordinance No. 62, entitled "an ordinance authorizing the several county courts of this state to levy special taxes in certain cases," was then taken up and read.

Mr. Cypert moved to amend by inserting after the word "and," "who may arrest all suspected persons and bring them before some justice of the peace without warrant for trial by the civil authorities."

Which was adopted.

Mr. Watkins offered the following

RESOLUTION:

Resolved, That ordinance No. 62 be recommitted with instructions to report an ordinance so framed that the expenses arising out of ordinance No. 62, shall be defrayed out of the fund arising from the special county tax authorized to be levied by ordinance No. —, adopted May 11th.

Which prevailed, and the ordinance was recommitted.

Mr. Patterson of Jackson, on leave, introduced

ORDINANCE No. 62½.

AN ORDINANCE *to confirm the several acts of the legislature of the State of Arkansas to establish separate courts in the counties of Jackson and St. Francis.*

Be it and it is hereby ordained by the people of the State of Arkansas in convention assembled, That the act of the General Assembly entitled "an act to establish separate courts in the county of Jackson, in the State of Arkansas," approved the 28th day of December, A. D. 1860, and the act of said General Assembly entitled "an act to establish separate courts in the county of St. Francis, in said state," approved the 10th January, 1861, are in all things hereby ratified and confirmed; and that the constitution and laws of the State of Arkansas wherever they may come in conflict with this ordinance, be, and they are hereby repealed, and shall hereafter be held to be null and void.

Be it further ordained, That this ordinance shall take effect and be in force from and after its adoption.

Which was read and adopted.

Mr. Mayo offered the following

RESOLUTION:

Resolved, That the military board be permitted to issue commissions to the Hampton Rangers, an infantry company of Monroe county, Arkansas.

Which was lost.

Mr. President appointed as a committee to select a device for a flag and coat-of-arms, Messrs. Adams, of Phillips, Kennard and Watkins.

Upon motion of Mr. Baber, the convention adjourned until Monday morning 8 o'clock.

DAVID WALKER,
President.

* * *

MONDAY, *May 27th*, 1861.

Convention met pursuant to adjournment

Prayer by the Rev. Mr. Pope.

Roll called

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochan, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Gould, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—61.

The journal of Saturday was read, approved and signed.

Mr. Cryer, on leave, introduced

ORDINANCE No. 63.

Whereas, This convention passed an ordinance entitled "an ordinance to create a military board for the State of Arkansas," and also an ordinance entitled "an ordinance to provide for the organization of an efficient military corps for active service, and for the election of certain officers;" *And whereas*, it was the true intent of this convention, in passing these ordinances, that they were mutually dependent upon each other, and that both ordinances constituted one entire system; the military board to adjudicate and pass upon all questions and claims, and to make all general orders to render the major general and the brigadier generals, and the active war corps efficient in defending the state; and although the said board were given full power to issue orders for the purposes aforesaid in aid of, and to facilitate the business of said officers, in the defence of the state, and it was for this purpose alone, and that it was never intended that the said board should have any military rank whatever; *And whereas*, different constructions have already been put upon the true intent and meaning of said ordinances, so much so as to render the ordinance requiring an active military force inoperative and of little or no use; and it is evident that war now exists, and that the State of Arkansas is in imminent danger, and that there is no time now to adjudicate the different constructions placed upon said ordinances; *And whereas*, it is evident that an efficient corps of soldiers should be immediately called into the field without delay; therefore

Be it ordained by the people of the State of Arkansas in convention assembled, That Major General James Yell, with his staff, to be appointed as in ordinance aforesaid provided, be, and he is hereby called, by this convention, into active service of the state, and to remain in service until such time as the government of the Confederate States have a sufficient number of troops in service in this state to protect the state against danger or invasion; and he is hereby authorized to proceed to call into service a sufficient number of troops to secure the state against danger or invasion, and to arm and equip them with such arms as the state may have on hand, and if necessary, to procure other arms for that purpose; and that the major genholds rank, and has command over all military officers of this state. This ordinance is to be put in force without regard to any authority or hindrance of the military board, and that all laws and ordinances in conflict or inconsistent with this ordinance are hereby suspended.

Which ordinance was read, and after considerable discussion withdrawn.

Mr. Patterson, of Jackson, offered the following

RESOLUTION:

Resolved, That this convention now proceed to take up business in the following order:

1. Land bill.
2. The confiscation bill.
3. The revenue bill.
4. The amendment of the constitution.

And that no other business will be considered until these provisions shall be complied with, unless otherwise ordered by a two-thirds vote of this convention.

But after some discussion, withdrew the same.

The special order of the day being the consideration of ordinance No. 60 was then taken up.

On motion of Mr. Cypert, the word "sovereign," in the first line of the first section, was striken out.

Mr. Flanagin moved to amend by adding after the word "Arkansas," in the 10th line, the following:

"Said bonds shall be conditioned for the faithful performance of their respective duties, as prescribed by the laws of the United States, and the regulations and instructions in relation thereto, passed, adopted, or given before the sixth day of May, A. D. 1861, as modified by the ordinances of this convention."

Which was adopted.

Mr. Flanagin moved to strike out "rules," in the sixth line, and insert the word "instructions" in the place thereof; which motion prevailed.

On motion of Mr. Cypert, the word "several," in the sixth line, was stricken out.

On motion of Mr. Floyd, the first section, as amended, was adopted.

The second section was then read and adopted.

The third section was read.

Mr. Hawkins, of Ashley, offered to amend by adding at the end of the section, the following:

"And that all persons who shall have purchased lands, which purchase may become void by this act, shall have the exclusive privilege of entering the same, by payment of money, within —— days after such fact shall have been ascertained."

Mr. Kennard offered the following as a substitute for said amendment:

"That no military land warrant shall be located at any of the land offices of this state, after the date of the passage of this ordinance, except."

Which substitute was lost.

Mr. Flanagin offered the following amendment to the amendment of Mr. Hawkins, of Ashley:

After "money," strike out all, and insert "on or before the first day of August."

Mr. Patterson, of Jackson, moved a reconsideration of the vote upon the substitute offered by Mr. Kennard; which motion prevailed.

Mr. Patterson, of Jackson, moved to amend the substitute by adding after the word "except," the following words: "for their use, and such as have been located by citizens of the state of Arkansas;" which amendment was accepted, and the subssitute, as amended, was adopted.

Mr. Patterson, of Jackson, offered the following amendment:

"Or of Indian tribes upon our border actively in league with us."

Which, after debate, was withdrawn.

Mr. Clingman offered to amend by adding after the word "Arkansas," in the 6th line, the following:

Provided further, That no person, a citizen of this state, on the 6th day of May, 1861, shall be deprived of a homestead by operation of this ordinance, where they made the location previous to the passage of this ordinance."

Upon which amendment Mr. Clingman called for the yeas and nays, which call being sustained, was ordered, and had with the following result:

YEAS—Messrs. Adams of Izard, Batson, Bush, Campbell, Carrigan, Clingman, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Gould, Griffith, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Jester, Johnson, Kelly, Kennard, Mayo, Murphy, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Smith, Smoote, Spivey, Stallings, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace Yell and Mr. President—48.

NAYS—Messrs. Austin, Bolinger, Crenshaw, Slemons and Stillwell—5.

Mr. Gould being in the chair, presented the following dispatch from the Hon. T. C. Hindman.

[By telegraph from Helena.]

27TH MAY, 1861.

To the President and Members of the Convention—

I have waited patiently for an answer. It is important I should hear from you. Have just received a dispatch from secretary of war, ordering my regiment to Fort Smith. Will you aid as requested—answer immediately. Will you authorize state troops, accepted but not sworn in, to volunteer for my regiment?

T. C. HINDMAN.

Which, on motion of Mr. Smith, was referred to the military board.

Mr. Kennard moved to amend the 3d section of the ordinance by inserting after the word "Arkansas," in the 6th line, the following proviso:

Provided, That such warrants may only be located by citizens of this state.

Which was adopted.

Mr. Cypert moved to amend as follows:

Strike out after word "all," in first line, the word "the," and insert "locations of." Strike out the word "located," in the first line, and insert the word "made," and strike out the words "by any register of the land office."

Which was adopted.

Mr. Flanagin offered the following as a substitute for the entire section:

Be it further ordained, That no land warrant shall hereafter be located on any of the lands of this state, except land warrants issued to citizens of Arkansas, their widows or children; or to soldiers or volunteers, who were from this state, their widows or children: and all entries made by land warrants, since the 6th day of May, A. D. 1861, by non-residents, or for speculation, are hereby declared void.

Which was adopted.

The 4th section was then read.

Mr. Austin offered to amend by inserting the words "not less than," after the word "at," in the 3d line.

Mr. Flanagin offered the following as a substitute for the amendment:

"At the prices now fixed by law as to lands not included in said reservation," and strike out the words "one dollar and twenty-five cents per acre."

Which was not adopted.

Mr. Patterson of Jackson offered the following amendment to the amendment of Mr. Austin:

Provided, however, That the register and receiver of the several land districts in the State of Arkansas shall first give notice to offer such lands to the highest bidder, before they are allowed to be purchased at private sale; which may be given under the instructions of the auditor of this state.

Mr. Fishback proposed to add to the amendment, the words "at least 60 days before sale, and actual settlers shall have their land at one dollar and twenty-five cents per acre, by making proof of the same on or before the day of sale, for not more than one hundred and sixty acres."

Which was also adopted, and the amendment, as amended, was adopted.

Mr. Desha moved to amend by inserting in the 10th line of section 4, between the words "sold" and "for," the following words. "to the highest bidder;" which was adopted.

Mr. Desha moved to amend by inserting between the words "less" and "and," in 11th line, the following proviso:

Provided, however, They shall not be offered at a less price than one dollar and twenty-five cents per acre.

Mr. Stout moved to amend the proposed amendment by striking out "one dollar and twenty-five cents," and inserting in lieu thereof "five dollars."

Mr. Lanier moved to lay the amendment on the table; which was lost.

Mr. Lanier then proposed to amend by striking out, in 12th line, the words "one dollar and twenty-five cents," and inserting "five dollars," in lieu thereof.

After some discussion, Mr. Stout withdrew his proposed amendment to the amendment, and Mr. Lanier withdrew the amendment offered by him; when

Mr. Desha offered the following, in adddition to amendment offered by him and then pending:

After the word "unsold," in the 11th line, strike out the words "shall be subject to private entry or sale at one dollar and twenty-five cents per acre after the day of sale," and insert in lieu thereof the words "after the expiration of twelve months from the day of sale, shall be subject to private entry or sale at $5 per acre; and at the expiration of two years from the day of sale, shall be subject to private entry or sale at $2 50 per acre."

Which was adopted, and the amendment, as amended, also adopted.

Mr. Stirman moved to amend by adding—

"But the lands heretofore reserved by the United States government for the use and benefit of Fort Wayne, in Benton county, shall be offered at public sale, in the usual manner, by the register and receiver of the land office at Huntsville, on the first Monday in August next—giving public notice, of at least sixty days before the day of sale; *Provided*, That such lands shall not be sold for less than one dollar and twenty-five cents per acre; except so much of these lands as may, in the opinion of the military authorities in that division of the army, be necessary for such military post or encampment, not exceeding eighty acres."

Which was adopted.

The section, as amended, was then adopted.

Mr. Johnson, on leave, presented the following dispatch and resolution:

PINE BLUFF, 27th, 1861.

HON. B. C. TOTTEN:

The guard at this place took the steamer "Key West;" she is owned in the North; she is a good transport boat; she is tendered to your board for war purposes. I will send her to Little Rock, if you order. Answer at once.

W. P. GRACE.

Resolved, That the military board be authorized to order the Key West, taken by the guard at Pine Bluff, to Little Rock, if they think proper.

Which was adopted.

Mr. Stillwell, on leave, presented

ORDINANCE No. 64.

AN ORDINANCE *to authorize the county court of Pulaski county to make appropriation to purchase horses.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the county court of Pulaski county shall have power to appropriate a sufficient sum of money out of the treasury of said county, to aid in purchasing horses, to mount a company designed for the service of the Confederate States.

SEC. 2. *Be it further ordained*, That if there should not be sufficient money in the treasury, said county court may issue county scrip for the purpose aforesaid.

Which was adopted.

Mr. Cypert, on leave, presented the following

RESOLUTION:

Resolved, That the officer in charge of the provision stores at the arsenal, in Little Rock, be, and he is, hereby directed to issue provisions to Col. Churchill, for the sustenance of his regiment, now rendezvoused at this place, and take his receipt for the same, and charge them to the account of the Confederate States of America.

Which was adopted.

On motion of Mr. Hill, the convention took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Gould, Griffith, Hawkins of Ashley, Hill, Hilliard, Hobbs, Jester, Johnson, Kelley, Lanier, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Spivey, Stallings, Stillwell, Stirman, Tatum, Turner, Walker, Wallace, Yell and Mr. President—50.

Consideration of ordinance No. 60 was then resumed.

The 5th section was read.

Mr. Robinson moved to strike out the word "and," in the 1st line, and insert in lieu thereof the word "or;" which was adopted.

Mr. Dollarhide moved to amend by striking out of line 7 the following:

"Before any of said lands were located as swamp land."

Which was adopted.

Mr. Flanagin moved to amend by adding to the section the following phrase:

"This section shall not prejudice the legal or equitable rights of any person or corporations who has acquired such rights under laws now or heretofore in existence."

Mr. Turner offered, as a substitute for the proposed amendment, the following:

After the word "same," in the 8th line of 5th section, amend by inserting the following—

"And except such tracts of said lands as may have been confirmed to this state under any of the grants of land made to the State of Arkansas by the United States, for railroad purposes."

Which, after some discussion, was withdrawn.

Mr. Flanagin's amendment was then adopted.

Mr. Stillwell moved to amend by inserting after the word "same," in the 8th line:

"And the auditor shall issue patents to the holders of certificates of entry of such unconfirmed lands, upon such holders filing their certificates in the office of the auditor of public accounts."

Which was adopted.

Mr. Gould moved to amend by adding after the word "state" in the 10th line: "and no further selections of swamp lands shall be made,"

Which was adopted; and the section, as amended, was adopted.

The 6th section was then read.

Mr. Hawkins of Ashley, moved to amend by striking out the words "patents" and "remaining," and insert "thereafter."

Which was adopted.

Mr. Turner moved to amend by inserting after the word "purchase," in the 4th line:

"And if such certificate be lost, then upon satifactory evidence of such loss."

Which was adopted.

Mr. Batson moved to amend by adding after the word "with," the following:

"Upon complying with the prerequisites heretofore required by the laws of the United States, and instructions of commissioner of general land office."

Which was withdrawn, and the section, as amended, was adopted.

Mr. Stillwell offered the following as an additional section:

SEC. 6. *Be it further ordained*, That it shall be the duty of the auditor, at the end of every three months after the adoption of this ordinance, to transmit to the swamp land agents lists of unconfirmed lands patented in their respective districts, and it shall be the duty of the land agents to correct their plats by noting the entries which do not appear on said plats, so as to conform to such lists.

Which was adopted.

Mr. Floyd offered the following as two additional tections:

SEC. 10. *Be it further ordained*, That all suspended entries in the several land offices shall be forthwith corrected by the register of the land office in pursuance of the instructions heretofore received from the commissioner of the general land office at the city of Washington, and according to the right of the same by reconciling all seeming errors and conflicts, and, at the same time guarding well the rights of all parties, in accordance with the spirit and letter of the law governing such cases; and said registers shall make quarterly reports of the same to the auditor for his approval, who is required to supervise the same, and should there exist any discrepancies or errors, to send the same back to the register for further corrections, and the register shall issue corrected certificates for all errors by him reconciled, upon which certificates, deeds shall be made.

SEC. *Be it further ordained*, That the auditor shall adjust all accounts of registers and receivers for salaries that may be now due, and draw his warrant on the treasury for the amount due to each; to be paid out of the land funds paid by the receivers of public moneys into the state treasury, and a sufficient sum is hereby appropriated for that purpose.

Which were adopted.

The 7th section was then read.

Mr. Hawkins of Ashley, moved to amend by striking out all after the word "if" to "it," in 2d line, which prevailed.

Mr. Batson offered the following as a substitute for section as amended:

Be it further ordained, That the auditor shall, so far as applicable, have the same general powers, with authority to issue instructions to registers and receivers, as the commissioner of the general land office of the United States formerly had, and shall, if he thinks the public interest demands it, appoint some competent person to examine the books and accounts of any or all of the said land offices, and to report the condition thereof, and the expenses of such examination shall be paid out of any funds arising from the sale of lands, not otherwise appropriated.

Which was adopted.

Section 8 was read and adopted.

Mr. Patterson, of Jackson, moved to amend by striking out all after the word "same," in the 5th line, which was adopted; and the section as amended was adopted.

Sections 10 and 11 were then read and adopted.

Section 12 was read.

Mr. Dollarhide moved to amend by inserting the word "have" after the word "or," in the 2d line.

Which was adopted.

Mr. Floyd moved to amend by inserting the words "seal of the" before the word "auditor," in the 9th line, by inserting the words "the same is," before the word "further," in the 10th line, and by inserting the words "the same," after the words "issued for," in the 12th line—all of which were severally adopted, and the section as amended was adopted.

Section 13 and 14, were then read and adopted.

Section 15 was then read.

Mr. Floyd offered the following substitute for section 15, and the remaining sections of the ordinance:

Be it further ordained, That all pre-emptors on any of the swamp lands, within this state, who are entitled to the benefits of the existing laws securing to them a pre-emption right shall, on or before the first day of any land sale that is to be made hereafter by any swamp land agent, make their proof of their right to the benefit of a pre-emption right under existing laws, and shall not be required to pay the cash for the same at the time. But they shall be, and they are hereby required to make the full payment for the same on or before the first day of January, A. D. 1863, and upon failure of such payment being made, all such pre-emption rights shall cease and be void. And all such pre-emptors shall be fully authorized to assign their rights to the pre-emption, after they have proved up the same, and the authorities of the state are hereby required to issue certificates and patent deeds to the assignee upon full payment being made in the same manner as to the original pre-emptor. And should any pre-emptor depart this life before he or they shall have complied with the requirements of this ordinance, to make payment; that it shall be lawful for his widow or legal representatives of such pre-emptor to make the payment by the time herein designated; then the authorities of this state shall execute the proper certificates and patents to such persons who have made the payment of the same, and the land agent shall issue a certificate to the pre-emptor, stating the fact that they have made the proof required by law.

Be it further ordained, That any pre-emptor may claim his pre-emption on any of the swamp lands that has been located as such, by making their proof, as is now required by existing laws, whether the same be advertised for sale or not.

Which, after discussion, was withdrawn.

Mr. Flanagin moved to strike out the section and insert in lieu thereof the following four sections:

SEC. 19. *Be it further ordained*, That no public sale of swamp lands shall be made before the first day of October, A. D. 1861.

SEC. 20. *Be it further ordained*, That where proof of pre-emption rights have not been made, pre-emptors on swamp lands shall make proof on or before the day of public sale, and upon satisfactory proof being made, the state land agent shall give his certificate, which shall state that the pre-emptor has proven a pre-emption to the tract of land therein mentioned, which certificate may be transferred by assignment, indorsed thereon, signed, sealed and acknowledged by the assignor.

SEC. 21. *Be it further ordained*, That pre-emptors, their heirs, executors, administrators and assigns, may make payment for such lands on or before the first day of January, A. D. 1863.

SEC. 22. *Be it further ordained*, That in case of a claimant of a pre-emption being in the military service of this state or the Confederate States, the proof may be made by others than the pre-emptor.

Which were adopted.

Mr. Wallace offered the following, as an additional section:

Be it further ordained, That the State of Arkansas shall hold in trust, for the class of persons hereafter mentioned in this section, a sufficient amount of the moneys which may arise from the sale of the public lands specified in this section to be appropriated by the state legislature, after the restoration of peace, for the purpose of refunding to all citizens of the State of Arkansas, the amount of money which any such citizen may have overpaid the United States, for lands by him entered in this state, under the graduation law of the United States, of the 4th of March, A. D. 1854; but no such claim shall be paid out of any appropriation for that purpose made, until the same shall have been ascertained and authenticated in a manner to be hereafter prescribed by ordinance of this convention or by the state legislature.

Which was adopted.

The 16th section was then read.

Mr. Hawkins, of Ashley, moved to amend by inserting after the word "state," in the 2d line, the words "not inconsistent with this ordinance."

Which was adopted.

The section as amended was then adopted.

The 17th section was read.

Mr. Hawkins offered the following as a substitute.

Be it further ordained, That this ordinance may be altered or amended at any regular session of the General Assembly of this state.

Which was adopted.

The ordinance as amended, was then adopted.

Mr. Totten of Arkansas, moved that the committee proceed to the election of a register for the Clarksville land district, under the provisions of the ordinance just adopted.

Which motion did not prevail.

On motion of Mr. Smith, the convention adjourned until to-morrow morning 9 o'clock.

THOMAS B. HANLY,
President, pro tem.

TUESDAY, *May* 28*th*, 1861.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Adams of Phillips, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Gould, Griffith, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Hobson, Jester, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stillwell, Stirman, Stout, Tatum, Totten of Arkanscs, Totten of Prairie, Turner, Wallace, Yell and Mr. President—56.

The reading of the journal of yesterday was dispensed with.

Mr. Yell, from the committee on military affairs, made the following

REPORT:

Mr. President—

The committee on military affairs, to whom was referred the message of the governor and the accompanying documents, and the report of Gen. James Yell, and all the accompanying documents, have examined the same, and are of opinion that they ought all to be referred to the military board, with the request that they have them all recorded in a book to be kept for the record of all such papers and reports. All of which is respectfully submitted, and the committee beg to be discharged from further consideration thereof.

YELL, *Chairman.*

Which was read and adopted.

On motion of Mr. Johnson, the convention went into secret session.

Mr. Hawkins, of Ashley, offered the following

RESOLUTION:

Resolved, That no member of this convention be permitted to speak for a longer time than five minutes on any proposition which shall come up for discussion.

Which laid over under the rule.

Mr. Smoote, from the committee on ways and means, made the following

REPORT:

Mr. President—

The standing committee on ways and means, to whom was recommitted ordinance No. 55½, entitled "an ordinance to provide revenue for the State of Arkansas, with proposed amendments to the first section thereof, have had the same under consideration and have instructed me to report the same back, and recommend its adoption with the accompanying amendment, by way of addition to the first section, and recommended the rejection of the other proposed amendment.

All of which is respectfully submitted.

STALLINGS, *Chairman.*

Which was read and received—and the following amendment, recommended by the committee was read:

"*And provided further*, That an account shall be kept of the receipts into the treasury from each swamp land district, for the purpose of future adjustment with said districts, and that in all cases where the state has set apart or invested lands for any such purpose, for railroads, reclamation, or any purpose of internal improvement, the proceeds arising from the sale of said lands, as contemplated by this ordinance, shall constitute a trust fund, subject to be appropriated by the General Assembly for such purpose and object, whenever peace may be restored; and to that end the state will account for the same with six per cent. interest thereon, to be computed on the respective amounts received into the treasury, down to the close of each fiscal year."

Mr. Jester offered the following

RESOLUTION:

Resolved, That the military board may authorize any captain who has a company ready for active military service to negotiate a loan of any sum of money not exceeding the sum of one thousand dollars, for the use of such company, and to pledge the faith of the state for the repayment thereof, with interest, and such captain shall make report to the military board of any such loan negotiated by him, and shall be held liable for the proper appropriation of such money.

Which resolution was not adopted.

Mr. President presented a communication from Elias Rector, superintendent of Indian affairs, concerning the Choctaw and Chickasaw Indians, which was read and referred to the military board.

Ordinance No. 55½, was then taken up.

Mr. Hobson moved to amend by inserting after the word "swamp lands," in the third line of 1st section:

"Except moneys received or to be received from the Champagnolle and Clarksville swamp land districts, which shall remain as now provided for by law.

Mr. Gould moved to lay the amendment on the table.

On which motion Mr. Hobson called for the yeas and nays; which was sustained, ordered and had with the following result:

Yeas—Messsrs. Adams of Izard, Batson, Bolinger, Bush, Bussey, Clingman, Crenshaw, Cryer, Cochran, Dollarhide, Flanagin, Floyd, Gould, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Jester, Johnson, Kennard, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Smoote, Spivey, Stallings, Stirmin, Stout, Tatum, Totten of Arkansas, Wallace and Watkins—38.

Nays—Messrs. Austin, Baber, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Griffith, Hobson, Kelley, Murphy, Parks, Patterson of Van Buren, Slemons, Smith, Stillwell, Turner Walker, Yell and Mr. President—23.

So the amendment was laid on the table.

Mr. Gould moved to adopt the amendment reported by the committee, which was accordingly adopted.

Mr. Johnson moved to amend by adding after the word "of" in she 2d line of section 2, the words "five, ten, twenty, and fifty;" which was adopted.

Also, by adding at the end of the section, the following:

Provided, That the military board have power to draw either for gold or bonds, at their option, and that it shall be the duty of the treasurer to pay accordingly.

Mr. Flanagin offered the following as a substitute for the proposed amendment:

Provided, The military board shall have powet to direct the auditor, in all cases, to draw warrants for specie, or bonds, as they may see proper.

Which was adopted.

Mr. Floyd offered the following as a substitute for the section as amended, and also for the remainder of the sections from section 2:

Be it ordained further, That a state tax, for the year 1862, shall be levied on all the object of taxation, as is now provided by law, amounting to one-fourth of one per cent. on the assessed value of the same, for said year and the clerks of the several counties in this state are hereby required, on or before the first day of August next, to prepare and deliver to the sheriffs of each county; a supplemental tax book, charging on all the objects of taxation, the sum of eight and one-third cents, and the auditor of public accounts shall immediately direct the clerks of the several counties to perform the duties herein required; and the clerk, as aforesaid, shall take of the sheriff a receipt for the tax book, and the amount therein contained, and transmit the same to the auditor of public accounts, who shall charge the amount on his books to the several sheriffs respectively, for the year 1861.

Be it further ordained, That when there is not sufficient par funds in the state treasury, to pay any warrant drawn by the auditor on the same, then it shall be the duty of the treasurer of state, who shall have prepared a sufficient quantity of scrip, the same to be used in paying off any auditor's warrant. Said scrip shall be made payable to the auditor of state, or bearer. The said scrip shall draw interest at the rate of six per cent. from the day of its delivery, and shall be receivable for all taxes and revenue due the state, and shall also be receivable for lands owned by the state, at the several land offices: and all the lands belonging to the State of Arkansas is hereby pledged for the redemption of all of said scrip, to be issued, or that shall be issued under the provisions of this ordinance. The treasurer shall keep a registry, in a well bound book, of all warrants issued by him, and shall issue them in such form, and with such devices as may be best calculated to prevent forgery and frauds upon the treasury, which warrants shall be properly dated and numbered, showing clearly the date of its delivery, for the purpose of computing the interest due on the same to its cancellation. That on the day of the reception of any of said scrip, by any collector of the revenue, or by any receiver at any of the land offices, they are hereby required to cancel the same, by writing across the face of the scrip the word "cancelled," and date the same with the calculation of the interest paid on the same to date, and should any collector of revenue, or any receiver at any land office, wilfully refuse to cancel any scrip, by them received, they shall be deemed to be guilty of a high misdemeanor, and upon conviction, shall be fined in any sum not exceeding five hundred dollars, and may be imprisoned, not exceeding three months, in the common jail of the county; and shall any person be found guilty of forgery, by making, altering, or delivery of any false representation of any of the scrip herein provided for, or by altering, in any manner, any of said scrip, with the intention of defrauding any person, or to attempt thereby to defraud the State of Arkansas, shall be guilty of a felony, and upon conviction, shall be imprisoned in the jail and penitentiary house of this state, not exceeding five years, nor less than two years.

Mr. Tatum moved to lay the substitute on the table.

On which Mr. Floyd called for the yeas and nays, which call being sustained, was ordered and had, with the following result:

YEAS—Messrs. Adams of Izard, Austin, Baber, Bolinger, Bussey, Campbell, Clingman, Crenshaw, Desha, Dollarhide, Flanagin, Fort, Gould, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Hobson, Jester, Kelley, Kennard, Lanier, Mayo, Parks, Patterson of Van Buren, Ray, Rhodes, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Walker, Wallace Watkins, Yell and Mr. President —43.

NAYS—Messrs. Batson, Bush, Cypert, Cochran, Dodson, Fishback, Floyd, Griffith, Johnson, Robinson, Shelton and Turner —11.

Mr. Cryer asked to be and was excused from voting.

So the substitute was lost.

Mr. Lanier moved to amend by striking out the words "one million," and inserting "two millions," in the 2d line of 3d section; which was adopted.

The section, as amended, was adopted.

Section 2 was read.

Mr. Stout moved to amend by adding to the end of such section:

"And there shall also be levied an additional tax of fifteen dollars on each negro slave over five, and under fifty years of age."

Mr. Totten, of Arkansas, moved to lay the amendment on the table.

On which Mr. Stout called for the yeas and nays, which being sustained, ordered and had, with the following result:

YEAS—Messrs. Adams of Izard, Batson, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dodson, Flanagin, Floyd, Fort, Hanly, Hawkins of Ashley, Hill, Hilliard, Jester, Johnson Kennard, Lanier, Mayo, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stirman, Tatum, Totten of Arkansas, Walker, Wallace, Watkins and Yell—41.

Nays—Messrs. Austin, Baber, Bolinger, Bush, Dinsmore, Fishback, Gould, Griffith, Hobbs, Hobson, Kelley, Murphy, Stallings, Stillwell, Stout, Turner and Mr. President—17.

So the amendment was lost.

Mr. Parks asked that his reasons be spread on the journal for voting in the affirmative—"that although he pledged himself to give $50 over his tax, yet he was opposed to a discriminating tax."

Mr. Batson moved to amend by adding to the 2d section the following:

" And it shall be the duty of each clerk of the county court to give his warrant to the collector of his county, commanding him to collect a supplemantal tax of one-sixth of one per cent. on all the objects assessed for taxation, for state purposes for the year 1861, and such collectors shall collect and account for the same in the manner now required by law.

Mr. Hanly offered the following as an amendment to the amendment:

Sec. —. *Be it further ordained,* That no assessor in this state shall receive for his services as such, more than the sum of fifteen hundred dollars per annum, to be paid him in part out of the county treasury, and the residue out of the state treasury, to be apportioned between the state and county in proportion to the amount that shall be coming to each.

Sec. —. *Be it further ordained,* That no collector in this state shall receive for his services as such, more than the sum of fifteen hundred per annum, to be paid him in part of out of the county treasury, and the residue out of the state treasury, to be apportioned between the state and county in proportion to the amount that shall be coming to each.

Sec. —. *Be it further ordained,* That in counties where the assessors and collectors, at the rate of commissions to which they are now entitled by law, shall exceed the sums provided in the two sections last above, the assessors and collectors in such counties shall receive no more than the amounts specified in said sections, and in other counties where the commissions now allowed assessors and collectors, shall not amount to such sums, then such assessors and collectors shall only receive the commissions now allowed by law.

Mr. Stillwell offered the following as a substitute for the amendment to the amendment:

Provided, That the assessors and collectors of revenue shall not be allowed any compensation for assessing or collecting the extra taxes authorized to be levied by this ordinance.

Which was adopted; and the amendment of Mr. Batson, as amended, was also adopted.

Mr. Hanly offered the following amendment:

After the amendment of Mr. Batson add:

"And there shall also be levied and collected, an income tax, for the years 1861 and 1862, of ten per cent., to be paid in gold and silver, on the net income of each and every person subject to taxation, for state or county revenue, such income being the amount thereof realized, after deducting therefrom the necessary expenses for the production of such income, and the support of such tax-payer and his family, and the reasonable and probable amount thereof shall in every instance be ascertained by the assessor upon the oath of such tax-payer, to be administered by such collector, or by other means; *Provided*, That in each instance there shall be granted by the collector to the person paying such tax, a certificate of the amount so paid, and such certificates may be convertible into the war bonds of the state, the issuance of which is hereby provided for; *And provided further*, That such tax shall be collected at the time other taxes are collected."

Which was read; and on its adoption, Mr. Hanly called for the yeas and nays, which call being sustained, was ordered and had, with the following result:

Yeas—Messrs. Austin, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dodson, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hilliard, Hobbs, Johnson, Kennard, Lanier, Mayo, Murphy, Parks, Ray, Rhodes, Shelton, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Turner Walker, Wallace and Mr. President—44.

Nays—Messrs. Adams of Izard, Hawkins of Ashley, Jester, Kelley, Patterson of Van Buren, Robinson, Slemons and Yell—8.

So the amendment was adopted.

Mr. Cypert moved to amend by striking out "war bonds," and insert "military bonds;" which was lost.

Mr. Johnson moved to amend by striking out the words "or by other means," after the word "collector," in the amendment of Mr. Hanly, just adopted; which was lost.

Mr. Smith moved to amend by inserting after said words "or by other means:"

> "And any tax-payer finding himself aggrieved by the amount so assessed, shall have the same right of appeal to the county court, in the same manner now prescribed by law in collecting the ordinary revenue of the state"

Which was adopted.

Section two, as amended, was then adopted.

Section three was read and adopted.

Section four was read.

Mr. Lanier moved to amend striking out "80," in the first line, and inserting "160;" which was adopted.

Mr. Smoote moved to amend by striking out all from the word "or," in the first line, to the word "sold,"in the 2d line inclusive, so that the section will read, "the sum of one hundred and sixty thousand dollars annually, out of" etc.; and by striking out the words "a sufficient sum," in 7th line, and inserting in place thereof the "sum of one hundred and sixty thousand dollars;" which was lost.

Section 4, as amended, was then adopted.

Sections 5, 6, 7, 8, 9, 10, 11, 12 and 13, were then read, and adopted without amendment.

Section 14 was read.

Mr. Hobbs moved to amend by filling up the blank with the words "with a sufficient sum of money;" which was adopted.

Mr. Stout moved to amend the 2d section, by inserting after the word "Digest," in 2d line; "and all sums of money over and above his liabilities, on hand at the time of the assessment;" which was adopted.

Mr. Kennard moved to reconsider the vote on the adoption of the 2d section; which prevailed.

Mr. Johnson moved to strike out all of said section referring to an income tax; which motion prevailed.

Mr. Hawkins, of Ashley, offered the following as an additional section:

Be it further ordained, That this ordinanee shall be and continue in force from this date until the close of the existing war.

Mr. Fishback moved to amend by striking out "the close of the war," and inserting "repealed by this convention or the legislature;" which was adopted, and the section, as amended, was adopted.

Mr. Stout moved to strike out "seminary and saline lands" from the provisions of the ordinance; which did not prevail.

Mr. Flanagin offered to amend by adding the following proviso to the first section:

Provided, That the appropriations of portions of the saline and seminary lands heretofore made for the Blind Institute and the Deaf and Dumb Institute, shall not be defeated by this ordinance.

Which was adopted.

The ordinance, as amended, was then adopted.

Mr. Johnson offered the following

RESOLUTION:

Resolved, That the secretary of this convention be, and he is hereby required to have 1000 copies of all the ordinances adopted by this convention printed as soon as possible; and also to superintend the publication of the journal immediately after the ordinances are printed; and for this object, that the secretary be authorized to employ such additional aid as he may find necessary.

Mr. Flanagin moved to amend by saying 2,500 copies, and that the convention act as a committee of revision, and a sheet each form be laid on the table of each delegate for that purpose.

Which was accepted, and the resolution, as amended, was adopted.

Mr. Smoote introduced the following

ORDINANCE No. 65.

AN ORDINANCE *for the relief of Richard H. Thompson, as sheriff and collector of Jefferson county, James C. Drennen, as sheriff and collector of the county of Columbia, James Norris, as the sheriff and collector of the county of Ashley, Robert Sewel, as sheriff and collector of the county of Union, and W. A. Alexander, as sheriff and collector of the county of Hempstead.*

WHEREAS, Richard H. Thompson, sheriff and collector of the county of Jefferson, James C. Drennen, as sheriff and collector of the county of Columbia, James Norris, as the sheriff and collector of the county of Ashley, Robert Sewel, as the sheriff and collector of the county of Union, and W. A. Alexander, as sheriff and collector of the county of Hempstead, have not as yet fully paid into the treasury of the State of Arkansas, the taxes due from said counties to the State of Arkansas, for the year 1860, as they are required to do by law; *And whereas*, This convention is satisfied that said default so made by the said sheriffs and collectors above named respectively, was not so made with any view of defrauding the state, but was caused by the stringency of the times, and the existence of the present war; therefore

Be it ordained by the people of the State of Arkansas in convention assembled, That the governor of the State of Arkansas is hereby authorized, empowered and instructed to release such of the above sheriffs and collectors from the penalty now prescribed against him by law for such default, as shall, within sixty days from the passage of this ordinance, pay into the state treasury the full amount of the taxes due from the said counties of Jefferson, Columbia, Ashley, Union and Hempstead, to the state for the year A. D. 1960, and produce to the governor the legal vouchers of such payment; *Provided*, That neither of the said sheriffs and collectors who shall fail to pay the full amount of taxes due to the state from the county of which he is sheriff and collector as aforesaid for the year A. D. 1860, into the state treasury within sixty days from the date of this ordinance, shall be nor shall either of his securities be in any wise released by this ordinance or by authority given under this ordinance, from any penalty which has or may accrue against him on account of such default or otherwise.

Which was rejected.

But, on the motion of Mr. Mayo, the vote rejecting it was reconsidered, and the ordinance was referred to the judiciary committee.

Mr. Robinson introduced ordinance No. 66, relating to the expenses of the volunteer companies of Jackson, Lawrence and Independence counties.

Which was read and referred to the military board.

On motion of Mr. Smoote, secrecy was removed from this morning's proceedings, and on motion of Mr. Baber, the convention took a recess until 3 o'clock, P. M.

3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Griffith, Hawkins of Ashley, Hill, Hilliard, Hobbs, Jester, Kelley, Kennard, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Turner, Walker, Wallace, Yell and Mr. President—52.

Mr. Crenshaw asked and obtained leave of absence for Mr. Dollarhide, on account of sickness.

Mr. Robinson also asked and obtained leave of absence for Mr. Patterson of Jackson, on account of sickness.

The convention then proceeded to the election by ballot of a register for the Clarksville land district.

Mr. Crenshaw nominated James C. Copeland, of Pope county.

Mr. Batson nominated the Hon. W. W. Floyd, of Johhson county.

Messrs. Baber and Gould were appointed tellers.

There being no further nominations the ballot was taken, whereupon it appeared that

Mr. Copeland received 24 votes.

Mr. Floyd " 31 "

Mr. Murphy " 1 "

Mr. Floyd having received a majority of all the votes cast, was declared duly elected.

Mr. Watkins offered the following

RESOLUTION:

Resolved, That hereafter no member of this convention shall be voted for to fill any office created by it or within its gift, unless such member so proposed to be voted for, shall previously have resigned his seat in this body, so as to be a private citizen.

Which was adopted.

Mr. Cypert offered the following

RESOLUTION:

Resolved, That this convention stand adjourned from next Friday at 12 o'clock M., nutil the First Monday in September next, unless called together sooner by the military board of the State of Arkansas.

Mr. Austin moved to amend by adding the words, "or by the president of this convention;" which was accepted.

Mr. Griffith moved to amend by saying "to be reconvened at the discretion of the convention or military board.

Mr. Watkins offered the following as a substitute for the resolution and amendment:

Resolved, That on and after 12 o'clock on Friday next, this convention adjourn to meet again on the first Monday of September next, unless sooner called together by the president, or in case of an emergency by the military board, and such re-assembling to be at the capitol, or at such other place as may be prescribed by the president or military board.

Which substitute was accepted.

Mr. Austin moved to strike out "September," and insert "January."

Mr. Adams of Izard, offered the following resolution as a substitute for the resolution offered by by Mr. Watkins:

Resolved, That when this convention adjourns, it will adjourn *sine die*.

Mr. Austin moved to lay the substitute upon the table; upon which, Mr. Adams of Izard called for the yeas and nays, which being sustained, was ordered and had with the following result:

YEAS—Messrs. Austin, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Fishback, Flanagin, Gould, Grace, Griffifith, Hanly, Hill, Hilliard, Hobbs, Johnson, Kelley, Kennard, Ray, Rhodes, Smith, Stallings, Stillwell, Stout, Tatum, Turner, Walker, Wallace and Watkins—30.

NAYS—Messrs. Adams of Izard, Batson, Bolinger, Bussey, Cochran, Desha, Dinsmore, Dodson, Floyd, Fort, Hawkins of Ashley, Hobson, Mayo, Murphy, Parks, Patterson of Van Buren, Robinson, Shelton, Slemons, Spivey, Totten of Arkansas, Yell and Mr. President—23.

So the substitute was laid upon the table.

Mr. Kennard offered the following as a substitute for the resolution of Mr. Watkins.

Resolved, That this convention adjourn Friday the 21st inst., at 12 o'clock M., to meet again at the call of the president or the military board; and if not called together on or before the first Monday in January, 1862, it shall after that date stand adjourned *sine die*.

Mr. Tatum moved to lay the resolution and its proposed substitute upon the table; which motion prevailed.

Mr. Yell introduced

ORDINANCE No. 67.

For the relief of Thomas H. Bradly; which was read.

Mr. Batson moved to amedd by inserting after the words "null and void," the words "and that Gen. Bradley be authorized to appropriate $5,000 of the money received by him to the payment of the sum loaned by him to Gen. Yell."

On motion of Mr. Watkins, the ordinance and amendment was referred to the committee on ways and means.

On motion of Mr. Turner, ordinance No. 61 was taken up and read, and voted upon section by section.

Section 1st was read and adopted.

Mr. Flanagin moved to amend the 2d section by striking out the words "or of one of the Confederate States of America;" which was adopted.

Mr. Watkins offered to amend by inserting after the words "evidence of debt," the words "or statement of account;" which was adopted.

Mr. Batson moved to amend by inserting in 3d line after the word "otherwise," except the pay of pensioners."

Which was adopted, and the section, as amended, was adopted.

Mr. Batson proposed the following amendment:

SEC. 3. *Be it further ordained*, That it shall be the duty of the United States pension agent for the State of Arkansas, or other person having possession of the same, to deliver to the auditor the pension roll, and all books and papers pertaining to such agency, and the auditor, upon the application of any pensioner, and proof being filed, as required by the laws of the United States, shall issue his warrant upon the treasurer of this state for the amount due such pensioner to the 6th day of May, 1861.

Which was adopted as section 3.

Sections 4 and 5 were then read and adopted.

Mr. Cypert moved to amend the 6th section by adding the following:

"And that the auditor shall be allowed the same fees as is now allowed for like services by the laws of this state."

Which, upon motion of Mr. Flanagin, was rejected, and section six was adopted.

Mr. Kennard moved to strike out the words "Confederate States," in the caption of the ordinance, and the same words in the 7th line of the 1st section thereof; which motion prevailed.

Mr. Turner moved to amend by adding after the word "Arkansas," in the 2d line of the 1st section, and after the word "state" in the 5th line of the 2d section, the following words:

"Or of the Indian territory west of the State of Arkansas, growing out of the late United States court at Van Buren" which was adopted.

The ordinance, as amended, was then adopted.

Mr. Lanier moved to take up ordinance No. 15, entitled "an ordinance to prevent giving aid and comfort to the enemy;" which motion did not prevail; but said ordinance was made the special order for to-morrow morning after the reading of the journal.

Mr. Fishback moved that ordinance No. 33 be now taken up; which motion was lost.

Mr. Hanly, from the committee on judiciary, in accordance with instructions, reported the following constitution of the State of Arkansas, as remodeled by said committee; 100 copies of which, upon motion of Mr. Cypert, were ordered to be printed.

CONSTITUTION OF THE STATE OF ARKANSAS.

PREAMBLE:

We, the people of the State of Arkansas, by our delegates in convention assembled, at Little Rock, on Monday, the 4th day of March, A. D. 1861, having the right to change, alter, or amend our constitution, or organic law, in order to secure to ourselves and our posterity, the enjoyment of all the rights of life, liberty and property, and the pursuit of happiness, do mutually agree with each other to continue ourselves as a free and independent state, by the name and style of "The State of Arkansas," and do ordain and establish the following constitution for the future government thereof:

ARTICLE I.

BOUNDARIES OF THE STATE.

We do declare and establish, ratify and confirm the following as the permanent boundaries of the State of Arkansas, that is to say: Beginning in the middle of the main channel of the Mississippi river, on the parallel of thirty-six degrees north latitude, running from thence west with the said parallel of latitude to the St. Francis river; thence up the middle of the main channel of said river, to the parallel of thirty six degrees thirty minutes north; from thence west to the south-west corner of the State of Missouri; and from thence to be bounded on the west to the north bank of Red river, as by acts of Congress of the United States, and the treaties heretoford defining the western limits of the territory of Arkansas; and to be bounded on the south side of Red river by the boundary line of the State of Texas to the north-west corner of the State of Louisiana; thence east with the Louisiana state line to the middle of the main channel of the Mississippi river; thence up the middle of the main channel of said river, to the thirty-sixth degree of north latitude, the point of beginning, this being the boundaries of the State of Arkansas, as defined by the constitution thereof, adopted by a convention of the representatives of the people of said state, on the 30th day of January, Anno Domini, eighteen hundred and thirty-six, being the same boundaries which limited the area of the territory of Arkansas, as it existed prior to that time.

ARTICLE II.

DECLARATION OF RIGHTS.

That the great and essential principles of liberty and free government may be recognized and established, *we declare*,

SEC. 1. That all free white men, where they form a social compact, are equal, and have certain and inherent and indefeasible rights, among which are those of enjoying and defending life and liberty; of acquiring, possessing, and protecting property and reputation; and of pursuing their own happiness.

SEC. 2. That all power is inherent in the people, and all free governments are founded on their authority, and instituted for their peace, safety and happiness. For the advancement of these ends, they have, at all times, an unqualified right to alter, reform or abolish their government in such manner as they may think proper.

SEC. 3. That all men have a natural and indefeasible right to worship Almighty God according to the dictates of their own consciences; and no man can, of right, be compelled to attend, erect or support any place of worship; or to maintain any ministry, against his consent; that no human authority can, in any case, whatsoever, interfere with the rights of conscience; and that no preference shall ever be given to any religious establishment, or mode or form of worship.

SEC. 4. That the civil rights, privileges or capacities of any citizen shall in no wise be diminished or enlarged on account of his religion.

SEC. 5. That all elections shall be free and equal.

SEC. 6. That the right of trial by jury shall remain inviolate to free white men.

SEC. 7. That printing presses shall be free to every person; and no law shall ever be made to restrain the rights thereof. The free communication of thoughts and opinions, is one of the invaluable rights of man; and every citizen may freely speak, write and print on any subject—being responsible for the abuse of that liberty.

SEC. 8. In prosecutions for the publication of papers investigating the conduct of officers or men in public capacity, or when the matter published is matter for public information, the truth thereof may be given in evidence; and in all indictments for libels, the jury have the right to determine the law and the facts.

SEC. 9. That the people shall be secure in their persons, houses, valuables and possessions, from unreasonable searches and seizures; and that general warrants, whereby any officer may be commanded to search suspected places, without evidence of the fact committed, or to seize any person or persons not named, whose offences are not particularly described and supported by evidence, are dangerous to liberty, and shall not be granted.

SEC. 10. That no free white man shall be taken or imprisoned or disseized of his freehold liberties, or privileges, or outlawed or exiled, or in any manner destroyed or deprived of his life, liberty or property, but by the judgment of his peers, or the law of the land.

SEC. 11. That in all criminal prosecutions against free white men, the accused shall have the right to be heard by himself and his counsel; to demand the nature and cause of the accusation against him, and to have a copy thereof; to meet the witnesses face to face; to have compulsory process for obtaining witnesses in his favor; and, in prosecutions by indictment or presentment, a speedy public trial by an impartial jury of the county or district, in which the crime may be charged to have been committed; and shall not be compelled to give evidence against himself.

Sec. 12. That no person shall, for the same offenco, be twice put in jeopardy of life or limb.

Sec. 13. That all penalties shall be reasonable and proportioned to the nature of the offence.

Sec. 14. That no free white man shall be put to answer to any criminal charge, punishable by death or imprisonment in a jail or penitentiary, but by presentment, indictment, or impeachment.

Sec. 15. That no conviction shall work corruption of blood or forfeiture of the estate of the convict.

Sec. 16. That all free white prisoners shall be bailable by sufficient securities, unless in capital offences, where the proof is evident or the presumption is great! And the privilege of the writ of *habeas corpus* shall not be suspended, unless in case of rebellion or invasion, where the public safety may require it.

Sec. 17. That excessive bail shall in no case be required, nor excessive fines imposed.

Sec. 18. That no *ex post facto* law or laws impairing the obligation of contracts shall ever be passed.

Sec. 19. That no perpetuities or monopolies shall ever be allowed or granted; nor shall any hereditary emolument, privileges or honors be conferred or granted in this state.

Sec. 20. That citizens have the right, in a peaceable manner, to assemble for their common good, to instruct their representatives, and to apply to those invested with the power of the government for redress of grievances, or other proper purposes, by address or remonstrance.

Sec 21. That the free white men of this state have the right to keep and bear arms for their individual or common defence.

Sec. 22. That no soldier shall be quartered, in time of peace, in any house, without the consent of the owner; nor in time of war, but in a manner prescribed by law.

Sec. 23. The military, in time of peace, shall be kept in strict subordination to the civil power.

Sec. 24. This enumeration of rights shall not be construed to deny or disparage others retained by the people; and, to guard against any encroachments on the rights herein retained, or any transgression of any of the higher powers herein delegated, we declare that every thing in this article is excepted out of the general powers of the government, and shall forever remain inviolate, and that all laws contrary thereto, or to the other provisions herein contained, shall be void.

ARTICLE III.

OF DEPARTMENTS.

SECTION 1. The powers of the government of the State of Arkansas, shall be divided into three distinct departments, each of which to be confided to a separate body of magistracy, to-wit: those which are legislative, to one; those which are executive, to another; and those which are judicial to another.

SEC. 2. No person or collection of persons, being of one of those departments, shall exercise any power belonging to either of the others; except in the instances hereinafter expressly directed or permitted.

ARTICLE IV.

LEGISLATIVE DEPARTMENT.

SECTION 1. The legislative power of this state shall be vested in a General Assembly, which shall consist of a Senate and a House of Representatives.

QUALIFICATION OF ELECTORS.

SEC. 2. Every free white male citizen of the Confederate States of America, who shall have attained the age of twenty-one years, and shall have been a citizen of the state six months next preceding the election at which he may desire to vote, shall be deemed a qualified elector, and be entitled to vote in the county or district where he actually resides, for each and every office made elective under this state or the constitution and laws of the Confederate States of America; *Provided*, That no soldier, seaman or marine in the army or navy of the Confederate States of America shall be entitled to vote at any election within this state.

TIME OF CHOOSING REPRESENTATIVES.

SEC. 3. The House of Representatives shall consist of members to be chosen every two years, by the qualified electors of the several counties at such time as the General Assembly has prescribed or may hereafter prescribe.

QUALIFICATION OF A REPRESENTATIVE.

Sec. 4. No person shall be a member of the House of Representatives who shall not have attained the age of twenty years; who shall not be a free white male citizen of the Confederate States of America; who shall not have been an inhabitant of this state one year next preceding his election; and who shall not, at the time of his election, have an actual residence in the county he may be chosen to represent.

QUALIFICATION OF A SENATOR.

Sec. 5. The Senate shall consist of members, to be chosen every four years by the qualified electors of the several districts, as they are now, or may be hereafter arranged by the General Assembly. The election for senators shall take place at the time now appointed, or which may hereafter be appointed by law.

Sec. 6. No person shall be a senator who shall not have attained the age of years; who shall not be a free white male citizen of the Confederate States of America; who shall not have been an inhabitant of this state one year, next preceding his election; and who, at the time thereof, shall not have an actual residence in the district he may be chosen to represent.

MEETING OF THE GENERAL ASSEMBLY.

Sec. 7. The General Assembly shall meet every two years, on the first Monday in November, or at such time as may hereafter be appointed for that purpose by that body, and at the capitol, in the city of Little Rock, until otherwise directed by law.

MODE AND TIME OF ELECTION, AND PRIVILEGE OF ELECTORS.

Sec. 8. All general elections shall be by ballot, until otherwise directed by law, and shall continue and be holden every two years, on the first Monday in August, until altered by law. The first general election to be hereafter held on the first Monday in August, eighteen hundred and sixty-two. The electors, in all cases, except in cases of treason, felony and breach of the peace, shall be privileged from arrest during their attendance on elections, and in going to and returning therefrom.

Sec. 9. The governor shall issue writs of election to fill such vacancies as may occur in either branch of the General Assembly.

Sec. 10. Militia officers, justices of the peace, postmasters and judges of the county courts, are declared to be eligible to either branch of the General Assembly; but no person who now is, or who shall hereafter be a collector or holder of public money, nor any assistant or deputy of such holder or collector of public money, shall be eligible to either branch of the General Assembly, nor to any office of profit or trust, until he shall have accounted for and paid over all sums for which he may be liable.

Sec. 11. Persons convicted of bribery, perjury, or other infamous crime, are excluded from every office of trust or profit, and from the right of suffrage in this state.

Sec. 12. Persons convicted of giving or offering any bribe to procure his own election or appointment, or that of any one else, to any office, are ineligible to any office of profit or trust, and are disqualified from voting at any election in this state.

Sec. 13. No member of the General Assembly shall be elected or appointed to any civil office in this state, which shall have been created, or the emoluments of which shall have been increased, whilst he was a member thereof, except he be elected to such office by a vote of the people.

Sec. 14. Each house of the General Assembly shall appoint its own officers, and shall judge of the qualifications, returns and elections of its own members. Two-thirds of each house shall constitute a quorum to do business, but a smaller number may adjourn from day to day, and compel the attendance of absent members, in such manner and under such penalties as each house may provide.

Sec. 15. Each house may determine the rule of its proceedings, punish its own members for disorderly behavior, and, with the concurrence of two-thirds of the members elected, expel a member; but no member shall be expelled a second time for the same offence. They shall each, from time to time, publish a journal of their proceedings, except such parts as may, in their opinion, require secresy, and the yeas and nays upon any question shall be entered on the journal, by the request of any five members.

Sec. 16. The door of each house, when in session, or in committee of the whole, shall be kept open, except in cases which may require secresy; and each house may punish by fine and imprisonment, any person, not a member, who shall be guilty of disrespect to the house by any disorderly or contemptuous behavior in its presence when in session; but such imprisonment shall not extend beyond the final adjournment of that session.

Sec. 17. Bills may originate in either house, and be amended or rejected in the other; and every bill shall be read on three different days in each house, unless two-thirds of the house where the same is pending, shall dispense with the rules; and every bill having passed both houses, shall be signed by the President of the Senate and Speaker of the House of Representatives.

Sec. 18. Whenever an officer, civil or military, shall be appointed by the joint or concurrent vote of both houses, or by the separate vote of either house of the General Assembly, the vote shall be taken *viva voce*, and entered on the journal.

Sec. 19. The senators and representatives shall, in all cases, except treason, felony, breach of the peace, be privileged from arrest during the session of the General Assembly, and for fifteen days before the commencement, and after the termination of each session, and for any speech or debate, in either house, they shall not be questioned in any other place.

Sec. 20. The members of the General Assembly shall severally receive from the public treasury, compensation for their services, which may be increased or diminished; but no alteration of such compensation of members shall take effect during the session at which it is made.

Sec. 21. The General Assembly shall direct, by law, in what courts, and in what manner, suits may be commenced against the state.

Sec. 22. The General Assembly may prohibit the introduction into this state, of any slave or slaves who have committed any high crime in any other state or territory. The introduction of slaves in this state for sale, trade, speculation or merchandize, may be prohibited by the General Assembly.

Sec. 23. The General Assembly shall not have power to pass any bill of divorce; but may prescribe by law the manner in which such cases shall be investigated in the courts of justice, and divorces be granted.

Sec. 24. The General Assembly may, by law, oblige owners of slaves to treat them with humanity, and prescribe a code of laws defining their rights, regulating their intercourse with each other, and their relations with the free white people of this state, defining crimes which may be committed by slaves, prescribing appropriate punishment for such crimes, and providing courts for the trial of slaves, and the mode of proceeding in such courts.

Sec. 25. The governor, secretary of state, auditor, treasurer, the judges of the supreme court; the judges of the several circuit courts, and other inferior courts of law and equity, and the several prosecuting attorneys for the state shall be liable to impeachment, for any malpractice or misdemeanor in office; but judgment in such cases shall not extend further than removal from office, and disqualification to hold any office of honor, trust or profit under this state, the party impeached, whether convicted or acquitted, shall nevertheless be liable to be indicted, tried and punished according to law.

SEC. 26 The House of Representatives shall have the sole power of impeachment, and all impeachments shall be tried by the Senate, and when sitting for that purpose, shall be on oath or affirmation, to do justice according to law and evidence. When the governor shall be tried, the chief justice of the supreme court shall preside, and no person shall be convicted without the concurrence of two-thirds of the senators elected; and for reasonable cause, which shall not be sufficient ground for impeachment, the governor shall, on the joint address of two-thirds of each branch of the General Assembly, remove from office the judges of the supreme and other courts; *Provided*, The cause or causes of removal be spread on the journals, and the party charged be notified of the same, and heard; by himself and counsel, before the vote is finally taken and decided..

SEC. 27. The appointment or election of all officers, not otherwise directed by this constitution, shall be made in such manner as may be prescribed by law; and all such officers, civil and military, under the authority of this state, shall, before they enter on their duties, take the following oath or affirmation, that is to say: "I, —— ——. do solemnly swear or affirm, that I will support the constitution of the Confederate States of America, and of this state, and will abide and observe all the ordinances passed by this convention of the people of this state, and will demean myself faithfully in office."

SEC. 28. No county now established by law, shall ever be reduced by the establishment of any new county or counties to less than —— hundred square miles, nor to a less population than its ratio of representation in the House of Representatives, according to the ratio as it may exist by law at the time.

SEC. 29. The style of the laws of this state shall be—" Be it enacted by the General Assembly of the State of Arkansas."

SEC. 30. The state shall, from time to time, be divided into convenient senatorial districts, formed of contiguous territory, in such manner as the General Assembly shall hereafter provide; and in arranging such districts, the General Assembly shall do so, taking into consideration the free white male inhabitants of this state, so that each senator may represent an equal number, as nearly as may be, of the free white male inhabitants thereof, according to the enumeration; and until the next enumeration of the census, or inhabitants of this state, the senatorial districts as now laid down by law shall continue.

SEC. 31. The Senate shall never consist of less than ——, nor of more than —— members. The allotment of senators into two classes, as it now exists, shall continue until otherwise directed, and the successors of those in office shall be elected in the manner, and at the time now required by law, and for the term of four years.

SEC. 32. The enumeration of the inhabitants of this state shall be taken under the direction of the General Assembly of this state, at the end of every four years from the time the last enumeration was taken under the constitution and laws of this state, now in force therein.

SEC. 33. The House of Representatives shall not consist of less than —— nor more than one hundred representatives, to be apportioned among the several counties in this state, according to the number of free white male inhabitant therein, taking such ratio as is now provided by law as the ratio of representation, until the number of representatives increases to one hundred, and when they shall number one hundred, they shall not be further increased until the population of the state numbers one million souls; *Provided*, That each county, as now organized, shall be entitled to the number of representatives to which it may be entitled under existing laws, until a future apportionment, under a future enumeration of the inhabitants of this state. And at the first session of the General Assembly, after the return of every enumeration, the representation shall be equally divided and reapportioned among the several counties, according to the number of free white males in each county, as above prescribed.

SEC. 34. The General Assembly may, at any time, propose such amendments to the constitution as two-thirds of each house shall deem expedient, which shall be published in all the newspapers published in this state, three several times, at least twelve months before the next general election; and if, at the first session of the General Assembly after such general election, two-thirds of each house shall, by yeas and nays, ratify such proposed amendments, they shall be valid to all intents and purposes, as parts of this constitution; *Provided*, That such proposed amendments shall be read on three several days, in each house, as well when the same are proposed, as when they are finally ratified.

ARTICLE V.

EXECUTIVE DEPARTMENT.

SECTION 1. The supreme executive power of this state shall be vested in a chief magistrate, who shall be styled "the governor of the State of Arkansas.

SEC. 2. The governor shall be elected by the qualified electors, at the time and places, when and where they shall respectively vote for representatives at general elections.

SEC. 3. The returns of every election for governor shall be sealed up and transmitted to the Speaker of the House of Representatives, who shall, during the first week of the session, open and publish them in the presence of both houses of the

General Assembly. The person having the highest number of votes shall be the governor, but if two or more shall be equal, and highest in votes, one of them shall be chosen governor by the joint vote of both houses. Contested elections for governor shall be determined by both houses of the General Assembly, in such manner as shall be prescribed by law.

Sec. 4. The governor shall hold his office for the term of four years from the time of his installation, and until his successor shall be duly qualified; but he shall not be eligible for more than eight years in any term of twelve years. He shall be at least thirty years of age, a native born citizen of Arkansas, or a native born citizen of the Confederate States of America, or a resident of the State of Arkansas ten years previous to the adoption of this sonstitution, if not a native of the Confederate States of America; and shall have been a resident of the same at least four years next before his election.

Sec. 5. The governor shall, at stated times, receive a compensation for his services, which shall not be increased or diminished during the term for which he shall have been elected; nor shall he receive, during that period, any other emolument from the Confederate States of America, or any one of them, or from any foreign power.

Sec. 6. The governor shall be commander-in-chief of the army of this state, and the militia thereof, except when they shall be called into the service of the Confederate States of America; *Provided nevertheless*, That this provision shall not be taken to conflict with any ordinance, or ordinances, which have been or may be passed by this convention of the people of the State of Arkansas.

Sec. 7. The governor may require any information, in writing, from the officers of the executive department, on any subject relating to the duties of their respective offices.

Sec. 8. The governor may, by proclamation, on extraordinary occasions, convene the General Assembly, at the seat of government, or at a different place, if that should have become, since their last adjournment, dangerous, from an enemy or from contagious diseases. In case of disagreement between the two houses, with respect to the time of adjournment, he may adjourn them to such time as he shall think proper, not beyond the day of the next meeting of the General Assembly.

Sec. 9. The governor shall, from time to time, give to the General Assembly information of the state of the government, and recommend to their consideration such measures as he may deem expedient.

Sec. 10. The governor shall take care that the laws are faithfully executed.

Sec. 11. In all criminal and penal cases, except in those of treason and impeachment, the governor shall have power to grant pardons, after conviction, and remit fines and forfeitures, under such rules and regulations as shall be prescribed by law. In cases of treason, he shall have power, by and with the advice and consent of the Senate, to grant reprieves and pardons; and he may, in the recess of the Senate, respite the sentence until otherwise directed by the General Assembly.

SEC. 12. There shall be a seal of state provided which shall be kept by the governor, and used by him officially, and the present seal of state now in use shall be the seal of state until otherwise directed by the General Assembly.

SEC. 13. All commissions shall be in the name, and by the authority of the State of Arkansas, be sealed with the seal of the state, signed by the governor, (except when otherwise directed by ordinance of this convention), and attested by the secretary of state.

SEC. 14. There shall be a secretary of state, elected by a joint vote of both houses of the General Assembly, who shall continue in office during the term of four years, and until his successor in office be duly qualified. He shall keep a fair register of all the official acts and proceedings of the governor, and shall, when required, lay the same, and all papers, minutes, and vouchers relative thereto, before the General Assembly, and shall perform such other duties as may be required by law.

SEC. 15. Vacancies that may happen in offices, the election to which is vested in the General Assembly, shall be filled by the governor during the recess of the General Assembly, by granting commissions, which shall expire at the end of the next session.

SEC. 16. Every bill which shall have passed both houses of the General Assembly, shall be presented to the governor. If he approve it, he shall sign it; but if he shall not approve, he shall return it, with his objections, to the house in which it originated, *who* shall enter his objections at large upon their journal, and proceed to reconsider it. If, after such reconsideration, a majority of the whole number elected to that house shall agree to pass the bill, it shall be sent, with the objections of the governor, to the other house, by which it shall likewise be reconsidered, and if approved by a majority of the whole number elected to that house, it shall be a law; but in such cases, the votes of both houses shall be determined by yeas and nays; and the names of the persons voting for or against the bill shall be entered on the journals of each house respectively. If any bill shall not be returned, by the governor, within three days, Sundays excepted, after it shall have been presented to him, the same shall be a law in like manner as if he had signed it, unless the General Assembly, by their adjournment, prevent its return, in which event it shall not be a law.

SEC. 17. Every order or resolution, to which the concurrence of both houses of the General Assembly may be necessary, except on questions of adjournment, shall be presented to the governor, and before it shall take effect, be approved by him, or being disapproved, shall be repassed by both houses, according to the rules and limitations in the case of a bill.

Sec. 18. In case of the impeachment of the governor, his removal from office, his death, his refusal to qualify, his resignation, or his absence from the state, the president of the Senate shall exercise all the authority appertaining to the office of governor, until another governor shall have been elected and qualified, or until the governor absent or acquitted, shall return or be acquitted.

Sec. 19. If, during the vacancy of the office of governor, the president of the Senate shall be impeached, removed from office, refuse to qualify, resign, die, or be absent from the state, the Speaker of the House of Representatives shall, in like manner; administer the government.

Sec. 20. The president of the Senate and speaker of the House of Representatives, during the time they respectfully administer the government, shall receive the same compensation which the governor would have received had he been employed in the duties of his office.

Sec. 21. Whenever the office of governor shall have become vacant, by death, resignation, removal from office, or otherwise; *Provided*, Such vacancy shall not happen within eighteen months of the time for which the late governor shall have been elected, the president of the Senate, or speaker of the House of Representatives, as the case may be, exercising the powers of the governor for the time being, shall immediately cause an election to be held to fill such vacancy, giving, by proclamation, sixty days' previous notice thereof, which election shall be governed by the same rules prescribed for general elections of governor, as far as applicable; the returns shall be made to the secretary of state, who, in the presence of the acting governor, and judges of the supreme court, or one of them, at least, shall compare them, and together with the said acting governor and judges, declare who is elected; and if there be a contested election, it shall be decided by the judges of the supreme court in the manner prescribed by law.

Sec. 22. The governor shall always reside at the seat of government.

Sec. 23. No person shall hold the office of governor, and any other office or commission, civil or military, either in this state or the Confederate States of America, or any other power, at one and the same time.

Sec. 24. There shall be elected, by the joint vote of both houses of the General Assembly, until otherwise provided by law, an auditor and treasurer for this state, who shall hold their offices for the term of two years, and until their respective successors are elected and qualified, unless sooner removed; they shall keep their respective offices at the seat of government, and perform such duties as shall be prescribed by law; and in case of vacancy by death, resignation or otherwise, such vacancy shall be filled by the governor, as in other cases, so long as said officers remain elective by the General Assembly.

MILITIA.

SECTION 1. The militia of this state shall be divided into convenient divisions, brigades, regiments and companies, and officers of corresponding title and rank elected to command them, conforming, as nearly as practicable, to the general regulations of the Confederate States of America.

SEC. 2. After the major-general, and the two brigadier generals, elected by this convention, cease to be such, by death, resignation, removal from the state, or from office, they shall be elected as follows; major-general's shall be elected by the brigadier generals, and field officers of their respective divisions; brigadier-generals shall be elected by the field officers, and commissioned company officers of their respective brigades; field officers shall be elected by the officers and privates of their respective regiments; and captains and subaltern officers shall be elected by those subject to military duty in their respective companies.

SEC. 3. The governor shall appoint the adjutant general, and other members of his staff, and major-generals, brigadier-generals, and commandants of regiments, shall respectively appoint their own staffs; and all commissioned officers may continue in office during good behavior; and staff officers during same, subject to be removed by the superior officer, from whom they respectfully derive their commissions.

ARTICLE VI.

JUDICIAL DEPARTMENT.

SECTION 1. The judicial power of this state shall be vested in one supreme court, in circuit courts, in county county courts, and in justices of the peace. The General Assembly may also vest such jurisdiction as may be deemed necessary in corporation courts, and when they deem it expedient, may establish courts of chancery.

SEC. 2. The supreme court shall be composed of three judges, one of whom shall be styled chief justice; any two of whom shall constitute a quorum, and the concurrence of any two of said judges shall, in every case, be necessary to a decision. The supreme court, except in cases otherwise directed by this constitution, shall have appellate jurisdiction only, which shall be co-extensive with the state, under such regulations as may, from time to time, be prescribed by law. It shall have a general superintending control over all inferior and alien courts of law and equity; it shall have power to issue writs of error and supersedeas, certiorari and habeas corpus, mandamus and quo warranto and other remedial writs, and to hear and determine the same. Said judges shall be conservators of the peace throughout the state, and shall severally have power to issue any of the aforesaid writs.

Sec. 3. The circuit court shall have original jurisdiction over all criminal cases, which shall not be otherwise provided for by law; and exclusive original jurisdiction of all crimes amounting to felony at the common law, until otherwise provided by the General Assembly; and original jurisdiction of all civil cases which shall not be cognizable before justices of the peace, until otherwise directed by law; and original jurisdiction in all matters of contracts, where the sum in controversy is over one hundred dollars. It shall hold its terms at such place, in each county, as may be, by law, prescribed.

Sec. 4. The state shall be divided into convenient circuits, to consist of counties contiguous to each other, for each of which a judge shall be elected, who, during his continuance in office, shall reside, and be a conservator of the peace, within the circuit for which he shall have been elected. The General Assembly shall have power to compel the judges of the circuit courts to interchange circuits, either temporarily or permanently, under such regulations as may be provided by law; and if, at any time, the presiding judge of the circuit court of any county in this state, shall suddenly depart this life, within five days next before the commencement of a term of such court, or shall become sick, or unable to continue to hold such court after its term shall have commenced, or shall fail to attend any term of the circuit court, the members of the bar, or a majority of them, practicing in such court, and being in attendance thereon, may call any one of their number to preside at such court, in the place and stead of the regular judge of said court, which fact shall be stated on the record of such court, and the person so called to preside at such court, shall have the same power and authority in said court as the regular judge would have had, if present and presiding; but this authority shall cease at the close of the term at which the appointment shall be made.

Sec. 5. The circuit courts shall exercise a superintending control over the county courts, and over justices of the peace, in each county, in their respective circuits; and shall have power to issue all the necessary writs to carry into effect their general and specific powers.

Sec. 6. Until the General Assembly shall deem it expedient to establish courts of chancery, the circuit courts shall have jurisdiction in matters of equity, subject to revision or review, in such manner as the General Assembly may have, or shall hereafter prescribe. The special chancery court, heretofore created, or established, for the county of Pulaski, is hereby confirmed, in the jurisdiction conferred upon said court.

Sec. 7. The judges of the supreme court shall be elected by the General Assembly, until otherwise directed by law. In electing judges of the supreme court by the General Assembly, a majority of the whole number, on joint vote, shall be necessary to a choice. The judges of the supreme court shall be at least thirty years of age; they shall hold their offices during the term of eight years from the date of their commissions, and until their successors are elected and qualified—the first election under this constitution to take place at the session of the General Assembly next before the expiration of the term for which the judges of the supreme court now in office expire, respectively.

Sec. 8. The qualified voters of each judicial circuit in the State of Arkansas, shall elect their circuit judges. The judges of the circuit courts shall be at least twenty-five years of age, and shall be elected for the term of four years, from and after the dates of their commissions, and until their successors are elected and qualified—the first election to be held at the general election next before the expiration of the commissions of the present incumbents.

Sec. 9. The supreme court shall appoint its own clerk, or clerks, for the term of four years; and the qualified voters of each county, shall elect a clerk of the circuit court for their respective counties, who shall hold his office for the term of two years, and until his successor is elected and qualified—the first election of circuit clerks, under this constitution, to be held at the general election next before the expiration of the commissions of the present incumbents. Courts of chancery, when established, shall appoint their own clerks.

Sec. 10. The judges of the supreme court shall, at stated times receive a compensation for their services, to be ascertained by law, which shall not be diminished during the time for which they are, or shall be elected. They shall not be allowed any fee or perquisites of office, nor hold any other office of trust or profit, under this state, or the Confederate States of America. The state's attorneys, and clerks of the supreme and circuit courts, and courts of chancery, if any other be established, shall receive for their services such salaries, fees and perquisites of office, as shall be, from time to time, fixed by law.

Sec. 11. There shall be established, in each county in the state, a court, to be holden by the justices of the peace, and called the county court, which shall have jurisdiction in all matters relating to taxes, disbursements of money for county purposes, and in every other case that may be necessary to the internal improvement and local concerns of the respective counties.

Sec. 12. There shall be elected, by the justices of the peace of the respective counties, a presiding judge of the county court, to be commissioned by the governor, and hold his office for the term of two years, and until his successor is elected and qualified. The first election under this section shall take place at the term of the county courts next before the commissions of the present incumbents expire. The presiding judge, of the county court, in addition to the duties that may be required of him by law, as such presiding judge, shall be a judge of the court of probate, and have such jurisdiction in matters relative to the estates of deceased persons, executors, administrators and guardians, as may be prescribed by law, until otherwise directed by the General Assembly.

Sec. 13. The presiding judge of the county court, in each county, in addition to the jurisdiction and powers above declared and set forth, shall, with five free-holders, residents of his county, to be summoned, for that purpose, by the clerk, at his request, constitute a court for the trial of all charges of a criminal or penal nature against slaves in his county, whether said charges be simple misdemeanors or high capital felonies. In the trial, of which no indictments or presentments shall be necessary, but in all cases, the court, so constituted, shall proceed to try slaves charged, upon warrants that may be issued, allowing them counsel, to be paid, in all cases, by the owner of such slave or slaves, to be taxed by such court. The verdict and judgment thereon, shall be final, and not subject to review by any superior court in this state.

Sec. 14. No judge shall preside on the trial of any cause, in the event of which he may be inserested, or where either of the parties shall be connected with him by affinity or consanguinity, within such degrees as may be prescribed by law, or in which he may have been of counsel, or have presided in any inferior court, except by consent of all the parties. In case all or any of the judges of the supreme court shall be thus disqualified from presiding on any cause or causes, the court or judges thereof, shall certify the same to the governor of the state, and he shall immediately commission specially, the requisite number of men, of law knowledge, for the trial and determination thereof. Judges shall not charge juries with regard to matter of fact; but may state the testimony and declare the law.

Sec. 15. The qualified voters of each judicial circuit shall elect a prosecuting attorney for the state, who shall continue in office for two years, and until his successor is elected and qualified. The first election under this constitution shall take place at the general election next before the expiration of the commissions of the present incumbents. Such attorney shall reside in the circuit for which he is elected. If an attorney for the state shall fail to attend and prosecute according to law, the court shall have power to appoint one *pro tempore.* The attorney for the circuit in which the supreme court is held, shall attend the court and prosecute for the state.

Sec. 16. All writs and other process shall run in the name of "The State of Arkansas," and bear teste and be signed by the clerks of the respective courts from which they issue. Indictments shall conclude, "against the peace and dignity of the State of Arkansas.

Sec. 17. The qualified voters residing in each township, shall elect the justices of the peace for their respective townships. For every fifty voters there may be elected one justice of the peace; *Provided*, That each township, however small, shall have two justices of the peace; justices of the peace shall be elected for the term of two years, and shall be commissioned by the governor and reside in the township for which they were elected, during their continuance in office. The first election for justices of the peace under this constitution, shall take place at the next general election; and those in office at this time shall continue in such until their successors are elected and qualified; justices of the peace shall have, individually, or two or more of them, jointly, exclusive original jurisdiction in all matters of contract and in actions for the recovery of fines and forfeitures, where the amount claimed does not exceed one hundred dollars, and in actions and prosecutions for assault and battery, and other penal offences less than felony, which may be punishable by fine only. They may also sit as examining courts, and commit, discharge, or recognize any person charged with any crime, of any grade. For the foregoing purposes, they shall have power to issue all necessary process. They shall also have power to bind to keep the peace or for good behavior.

Sec. 18. The qualified voters of each township shall elect one constable, for the term of two years, who shall, during his continuance in office, reside in the township for which he was elected. The constables now in office shall continue until their terms expire, and the first election under this constitution shall be held at the next general election. Incorporated towns and cities, may have their own or separate constables.

Sec. 19. The qualified voters of each county shall elect one sheriff, one coroner, one treasurer, and one county surveyor, for the term of two years, at the election next before the term of those now in office expire. They shall be commissioned by the governor, reside in their respective counties during their continuance in office, and be disqualified for the office a second time, if it should appear that they, or either of them are in default for any moneys collected by virtue of their respective offices.

ARTICLE VII.

GENERAL PROVISIONS—EDUCATION.

SECTION 1. Knowledge and learning, generally diffused through a community, being essential to the preservation of a free government—and diffusing the opportunities and advantages of education through the various parts of the state, being highly conducive to this end; therefore, it shall be the duty of the General Assembly to apply any and all funds which may be raised for the purpose of education, to the accomplishment of the object for which they may be raised; and from time to time, to pass such laws as shall be calculated to encourage intellectual, scientific and agricultural improvement, by allowing rewards and immunities for the promotion and improvement of arts, science, commerce, manufactures and natural history; and countenance and encourage the principles of humanity, industry and morality.

SEC. 2. Treason against the state shall consist only in levying war against it, or adhering to its enemies, giving them aid and comfort. No person shall be convicted of treason unless on the testimony of two witnesses, to the same overt act, or their own confession in open court.

SEC. 3. The General Assembly shall have no power to pass laws for the emancipation of slaves, without the consent of their owners.

SEC. 3. No person who denies the being of a God, shall hold any office in the civil department of this state, nor be allowed his oath in any court.

SEC. 5. No money shall be drawn from the treasury, but in consequence of an appropriation by law, nor shall any appropriation of money, for the support of an army, be made for a longer term than two years; and a regular statement and account of the receipts and expenditures of all public money shall be published with the promulgation of the laws.

SEC. 6. Absence on business for this state, or for the Confederate States of America, or on a visit, or on necessary private business, shall not cause a forfeiture of a residence once obtained.

SEC. 7. No lottery shall ever be authorized by this state, nor shall the sale of lottery tickets be allowed.

SEC. 8. Internal improvement shall be encouraged by the government of this state, and it shall be the duty of the General Assembly, as soon as may be, to make provisions, by law, for ascertaining the proper objects of improvement, in relation to roads, canals and navigable waters; and it shall also be their duty to provide, by law; for an equal, systematic, and economical application of funds, which may be appropriated to these objects.

SEC. 9. Returns of all elections for officers who are to be commissioned by the governor, and for members of the General Assembly, shall be made to the secretary of state.

SEC. 10. Within ten years from the session of the General Assembly, begun and held on the first Monday in November, eighteen hundred and fifty-six, and every ten years thereafter, the laws, civil and criminal, of this state, shall be revised, digested and arranged, and promulgated in such manner as is now provided by law.

SEC. 11. In the event of the annexation of any territory to this state, by cession from the Confederate States of America, or from any other source, laws may be passed extending to the inhabitants of such territory, all the rights and privileges which may be required by the terms of such cession, anything in this constitution to the contrary notwithstanding.

SEC. 12. The person of a debtor, except where there is strong presumption of fraud, shall neither be imprisoned nor continued in prison, after delivering up his estate for the benefit of his creditors.

REVENUE.

SEC. 1. All revenue shall be raised by taxation, to be fixed by law.

SEC. 2. All property, *subject to taxation*, shall be taxed according to its true value—that value to be ascertained in such manner as the General Assembly may direct; making the same equal and uniform throughout the state. No one species of property, from which a tax may be collected, shall be taxed higher than another species of property of equal value; *Provided*, The General Assembly shall have power to tax merchants, hawkers, peddlers, and privileges, in such manner as may, from time to time, be prescribed by law; *And provided further*, That no other or greater amount of revenue shall, at any time, be levied than required for the necessary expenses of the government, unless by a concurrence of two-thirds of both houses of the General Assembly.

SEC. 3. No poll tax shall be assessed for other than county purposes.

SEC. 4. No other or greater tax shall be levied on the productions or labor of the country than may be required for expenses of inspection.

Sec. 5. That no inconvenience may arise from this change of government, we declare that all writs, actions, prosecutions, judgments, claims and contracts, of individuals and bodies corporate, shall continue as if no change had taken place in the constitution or government of this state; and all process which may have been issued under the authority of this state, previous to this time, shall be as valid as if issued after the adoption of this constitution.

Sec. 6. All laws now in force in this state, which are not repugnant to this constitution, shall remain in force until they expire by their own limitations, or be altered or repealed by the General Assembly.

Sec. 7. In case any ordinance which may have been passed by this convention conflicts in any respect with this constitution, and the ordinance so conflicting herewith provides that it shall only have effect or force, for a limited time, it is hereby declared to be the sense of this convention, that such ordinances shall have effect rather than this constitution.

Sec. 8. All officers, civil and military, now holding commissions under the authority of this state, shall continue to hold and exercise their respective offices until they shall be suspended under the authority of this state, in pursuance of the provisions of this constitution.

Sec. 9. All elections to be held under this constitution shall be held and conducted in the manner and at the time and place now provided by law.

Mr. Flanagin offered the following

RESOLUTION:

Resolved, That the committee on state affairs be instructed to report a bill to divide the state into four congressional districts.

Which was adopted.

The memorial of A. J. Ward, contractor of the Arkansas penitentiary, was then taken up.

Mr. Flanagin moved its reference to the military board; which motion was lost.

Upon motion of Mr. Stillwell, said memorial was referred to a select committee of three delegates.

Whereupon Mr. President appointed Messrs. Watkins, Flanagin and Yell such committee.

On motion of Mr. Bush, the convention adjourned until tomorrow morning, 8 o'clock.

THOMAS B. HANLY,
President pro tem.

WEDNESDAY, *May 29th*, 1861.

Convention met.

On motion of Mr. Batson, Mr. Hanly was called to the chair, as the President was unable to be present on account of sickness.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins and Yell—56.

Mr. Watkins asked and obtained leave of absence for Mr. Griffith; Mr. Smith asked and obtained leave of absence for Mr. Shelton, and Mr. Floyd asked and obtained leave of absence for Mr. Jester.

The journals of the two preceding days, were read, approved and signed.

Mr. Fishback moved to suspend the rules that the following resolution introduced by him yesterday might be taken up.

Resolved, That the rules of this convention be so amended as to render a majority of this body a quorum competent to transact all business within the powers of this convention.

Which motion did not prevail.

Upon request of Mr. Floyd, the committee on landed interterests was allowed until 4 o'clock to report on the sections from 16 to 25 of Ordinance No. 15, heretofore referred to said committee.

Ordinance No. 15, entitled "an ordinance to prevent giving aid and comfort to the enemy," was then taken up.

The first section was read.

Mr. Cypert moved to amend by striking out in the 4th line the words, "offering to contract an alliance with and in due time to become," and insert the word becoming.

Mr. Grace moved to lay the amendment upon the table; which motion was lost.

Mr. Flanagin offered the following as a substitute:

Strike out in 2d line all after "Arkansas," and before "now" in the 5th line, and insert has dissolved the union with the United States and become one of the Confederate States, whereby she has become involved in said war.

Which substitute was accepted.

Mr. Patterson of Jackson, offered the following as a substitute for the amendment:

Having contracted alliance with the said Confederate States of America, have.

Mr. Lanier moved to lay the amendment and proposed substitute upon the table, and called the previous question; which call was sustained, and Mr. President stated the question as follows: "Shall the main question be now put?" which was decided in the affirmative.

The question was then stated to be on laying the amendment and proposed substitute on the table; which prevailed.

Mr. Stillwell offered the following as a substitute for the ordinance:

Insert after caption—

WHEREAS, War exists between the United States of America and the Confederate States of America, by the act of the former; *and whereas*, the State of Arkansas, by dissolving the union between herself and those states which continue to be the United States of America, and by offering to contract an alliance with and in due time to become one of the said Confederate States, has become a party to the said war: now, therefore,

The people of the State of Arkansas, in general convention assembled, do ordain:

1st. That every citizen of any one of the said United States of America is, and shall henceforward be taken and regarded as an alien enemy of the people of the State of Arkansas, so long as the state whereof he is a citizen shall continue to be one of the United States, or at war with the said Confederate States; and all the consequences and incidents of such status of alien enemy shall, during the whole of such time, attach to him or her; and the same law and rule shall apply to all residents of the District of Columbia, and of any territory of the United States, so long as such district or territory shall continue to be held and occupied by the said United States, until said state of war shall cease.

Sec. 2. Any citizen of this state, or person resident herein, who shall, after the adoption of this ordinance, pay or remit to any alien enemy, in discharge of a debt or otherwise, any moneys or other thing of value, whatever, or shall place the same in the hands of another, to be so paid or remitted, and any attorney at law, or other person, who shall collect, or receive from any person in this state, any moneys or other thing of value, for any alien enemy, or on account of a debt due any alien enemy, or shall take and receive in trust, by, or without conveyance, any property or moneys, whatever, for any alien enemy, and shall pay or deliver the same to such alien enemy, shall be demeed guilty of a high misdemeanor, and of giving aid and comfort to the enemy; and being convicted thereof, upon indictment in the proper court shall be imprisoned in the jail and penitentiary house of the state, not less than one nor more than five years, and pay to the state, for the use of the military chest, a fine, equal to the amount so received for, or paid over to the enemy. And these provisions shall apply to all attorneys at law, who permit such moneys to be collected by or upon execution issued, or judgment obtained in the name of, or for the use of any alien enemy; *Provided*, That this section of this ordinance shall not take effect until after the lapse of twenty days from the passage of this ordinance, except where the party so acting shall have actual notice hereof at an earlier period.

Sec. 3. Every suit now pending in this state, in any form of action for the recovery of moneys, the plaintiff or either of the plaintiffs in which, or the persons for whose use the suit is brought, either actually or upon the record, is an alien enemy, shall be suspended and stand continued, until the disability of such plaintiff or person is removed; and every execution issued on any judgment obtained by or for the use of any such person or persons, shall be and is hereby ordered to be returned. Such suit shall be ordered to stand continued upon motion and proof of the disability of the plaintiff or beneficiary in each and every such suit summarily heard; and such execution may be returned, on motion made in vacation before the judge of the court, who shall hear such proof at chambers, and summarily dispose of such motion. The attorneys or counsel of the plaintiffs may be summoned and required to testify fully, upon such motions, without regard to any privilege whatever; and there shall be no formal pleadings, issue or trial; *Provided*, That the lien or liens now existing by virtue of any such judgment, or levy of execution or executions shall not by means hereof in any wise be impaired; and the time for which collections or payments shall be by means hereof suspended, shall not be taken or considered part of the time under any statute of limitations of this state.

Sec. 4. It is hereby made the duty of every such attorney at law, forthwith to cause every such execution to be returned, and to continue or dismiss every such suit.

Sec. 5. That all sales or contracts for sales of any lands holden in this state by any citizen or citizens, corporation or company, resident or being in, or citizen of, any one or more of said United States, or the territories thereof, and any and all bond or bonds, or other assurances or agreements or contracts, for title to any such lands, made, executed or agreed to, subsequent to the 6th day of May, A. D. 1861, and during the disability aforesaid are hereby declared to be utterly and absolutely void, and of no effect, and all of the courts of this state shall so hold and consider the same.

Sec. 6. That all persons, firms or corporations, within this state, who are now indebted to citizens or corporations of any of the United States, or territories thereof, or the District of Columbia, except the states named in the 5th section of this ordinance may pay the amount of their indebtedness to the treasurer of this state, who shall execute a receipt therefor to the person, firm or corporation making such payment, and the faith of the state is hereby pledged to hold them harmless against the claims or demands of the persons or corporations, to whom the moneys so paid may be due.

Which was read.

Mr. Lanier moved to lay the substitute upon the table.

After considerable discussion, the convention, on motion o Mr. Wallace, took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met.

President Walker in the chair.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Batson, Bolinger, Bush Campbell, Carrigan, Crenshaw, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Floyd, Fort, Gould, Grace, Hanly Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs Johnson, Kelley, Lanier, Mayo, Murphy, Parks, Patterson o Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie Turner, Walker, Wallace, Yell and Mr. President—52.

Mr. Clingman offered the following

RESOLUTION:

Resolved, That is the sense of this convention that the members thereof use their influence to induce citizens of this state to invest their means in the bonds of the Confederate States.

Which was adopted.

Mr. Floyd, from the committee on landed interest, made the following.

REPORT:

Mr. President—

The standing committee on the landed interest of the state, to whom was referred all of that portion of the ordinance No. 15, from section No. 17 to No. 25, inclusive, have had the same under consideration, and have instructed me to make the following report:

That the whole of said sections have been, in substance, adopted by sundry ordinances of the convention, except section No. 24, which section is herewith reported back to the convention for their deliberation, and the committee respectfully ask to be discharged from the further consideration of the same.

All of which is most respectfully submitted.

WM. W. FLOYD, *Chairman.*

Which report was adopted.

The consideration of the substitute, offered by Mr. Stillwell, to Ordinance No. 15, was then resumed; the question being on Mr. Lanier's motion to lay on the table.

After arguments by Messrs. Totten of Prairie, Walker, Smith, and Totten of Arkansas, the question was stated to be on laying the substitute on the table.

Upon which, Mr. Stillwell called for the yeas and nays, which call was sustained, ordered and had with the following result:

YEAS—Messrs. Adams of Izard, Crenshaw, Cryer, Cochran, Dollarhide, Grace, Hanly, Hawkins of Ashley, Hill, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray Rhodes, Robinson, Shelton, Slemons, Smoote, Spivey, Tatum, Totten of Arkansas, Totten of Prairie, and Yell—26.

NAYS—Messrs. Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Gould, Hobbs, Hobson, Kelley, Kennard, Murphy, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Turner, Walker, Watkins and Mr. President—33.

So the substitute was not laid upon the table.

Mr. Desha offered the following amendment:

Add after the word "period," at the end of 2d section of substitute, the following:

Provided, however, That all moneys or property, of any kind soever, now belonging to, or in any manner connected with, or which may hereafter belong to, or be, in any manner, connected with the American Bible Society, be, and the same are, hereby exempted from the provisions of this ordinance in as full and complete a manner as if the same had not been adopted, and all citizens of the State of Arkansas, acting as agents of said society within the state shall be allowed to continue the distribution of the Bible in said state, free from any molestation or restriction.

Which was adopted.

Mr. Gould offered the following amendment:

Strike out all after the 1st section of substitute, and insert—

SEC. —. *Be it further ordained*, That no persons in any non-slaveholding state, or of said territories, their agents or attorneys in this state shall have power to sue or collect any moneys owing to, or for any property claimed by the citizens of any such state or territory, except for the use of the state, during hostilities between Arkansas and the federal government; and that it may and shall be lawful, and shall be the duty for such debtors, their agents and attorneys, to pay such moneys into the state treasury, which sums shall be receipted for by the treasurer, and shall be refunded with interest upon equitable principles, upon the cessation of hostilities.

SEC. —. *Be it further ordained*, That the State of Arkansas will hold harmless any such debtors, agents or attorneys who may pay into the treasury any such moneys as aforesaid.

Mr. Fishback offered to amend the amendment by adding the following proviso:

Provided, That this ordinance shall not operate to the prejudice of any rights of such debtors under any stay law which may hereafter be passed by this body or by the legislature.

Which amendment was accepted; and the amendment as amended was lost.

Mr. Mayo offered to amend by striking out the word "may," in second section, and inserting "shall," and after the word "treasurer" insert the words "subject to the same stay as other debts of the same character."

Which was adopted.

Mr. Flanagin moved to amend the 3d section, by adding after the word "record," the words "or in secret trust."

Which was also adopted.

Mr. Hanly offered the following additional sections to the substitute:

SEC. —. Before any resident, inhabitant or citizen of any non-slaveholding state of the United States, shall have the right or power to grant, bargain and sell, or otherwise convey or transfer any real estate owned by him, her or them, lying within this state, personal application shall be made by such person to the governor of this state for license or authority to make such conveyance, and the governor of this state is hereby prohibited from granting to any such person license or authority to make any such conveyance, until such person or persons shall first pay into the state treasury the full value of such real estate, which fact may be proved by the certificate of the treasurer of this state; and all conveyences made by any such person shall, and the same is, hereby declared to be utterly void and of none effect, and shall communicate to the purchaser or grantee no title in or to such real estate.

Sec. —. Any person departing this life, who may have been an inhabitant, resident or citizen of either of the non-slaveholding states or territories of the United States, on the 6th day of May, A. D. 1861, or since that time, up to the passage of this ordinance, and owning any real estate in this state, the same and every part of such real estate shall escheat to and vest in this state, as is now provided for in chapter 65, Gould's Digest, under the head of "Escheats."

Mr. Fishback moved to lay the proposed amendment upon the table; which motion prevailed, on division.

Mr. Flanagin offered the following additional section:

Be it further ordained, That in case a claim shall be due to plaintiffs, one or more of which shall not be alien enemies, a suit may be brought in the name of the citizen or alien friend, for so much as shall be due him, and it shall be sufficient for the plaintiff to aver that the other claimant is an alien enemy, and the courts may order an execution, for a portion of any judgment, when it shall appear that such portion is due to a person authorized to sue.

Which was adopted.

Mr. Lanier offered the following amendment:

Provided, That all lawyers in this state be compelled to pay over to the state all moneys they may now have, or that may hereafter come into their hands, belonging to individuals or corporations, living in, or located in, any of the United States or its territories, except the States of Missouri, Kentucky, North Carolina or Maryland; and, upon failure of any lawyer in this state, to pay over said money within sixty days after the passage of this ordinance, or the receipt of said money, or to give satisfactory security for the same, or proof of his insolvency, he shall be deemed guilty of felony, and punished accordingly.

Mr. Turner moved to lay the amendment upon the table.

Mr. Lanier called for the yeas and nays.

Which was sustained, ordered and had with the following result.

YEAS—Messrs. Austin, Bush, Campbell, Cypert, Cochran, Desha, Dinsmore, Fishback, Floyd, Fort, Grace, Hawkins of Ashley, Kelley, Murphy, Stallings, Stillwell, Turner, Walker, Watkins, Yell and Mr. President—21.

NAYS—Messrs. Adams of Izard, Baber, Batson, Bolinger, Carrigan, Clingman, Crenshaw, Cryer, Dodson, Dollarhide, Flanagin, Gould, Hanly, Hill, Hilliard, Hobbs, Hobson, Johnson, Lanier, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stirman, Stout, Totten of Arkansas, Totten of Prairie and Wallace—36.

So the amendment was not laid on the table.

Mr. Slemons moved to amend the amendment by striking out the word "lawyers," wherever it occurs, and inserting "persons" in lieu thereof.

Pending which, Mr. Watkins, on leave, introduced the following

ORDINANCE No. 68.

Be it ordained by the people of the State of Arkansas, in convention assembled, That it shall be lawful for the county court of any county in this state, upon the call of the presiding judge of said court, at such time as he may appoint, to hold a special session of said court, with power to transact any and all business which may come before it, and within the scope of its jurisdiction.

Which was adopted.

Mr. Watkins also presented a communication from the ladies of Little Rock, accompanied by a design for a state flag, which, on his motion was referred to the select committee appointed to report a flag and device for coat of arms.

On motion of Mr. Flanagin, the convention adjourned until 9 o'clock, to-morrow morning.

DAVID WALKER,
President.

THURSDAY, *May 30th*, 1861.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Yell and Mr. President—52.

The journal of yesterday was read, approved and signed.

Mr. Stirman, on leave introduced

ORDINANCE No. 69.

Be it ordained by the people of the State of Arkansas in convention assembled, That the lands of the Fort Wayne reserve shall not be offered for sale until the first Monday of October next; after sixty days notice of the same.

Which was read and adopted.

On motion of Mr. Baber, Mr. Kennard was added to the committee on enrollments.

The consideration of the substitute offered by Mr. Stillwell; for ordinance No. 15, was then resumed.

Mr. President stated the question to be, on the adoption of the amendment of Mr. Lanier.

Mr. Carrigan moved to postpone the amendment indefinitely.

Upon which motion Mr. Robinson called for the yeas and nays, which was sustained and had with the following result:

YEAS—Messrs. Austin, Bolinger, Bush, Campbell, Carrigan, Clingman, Cypert, Cochran, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Gould, Hobbs, Hobson, Kelley, Kennard, Murphy, Parks, Patterson of Van Buren, Smith, Stallings, Stillwell, Stirman, Stout, Turner, Walker, Yell and Mr. President—32.

NAYS—Messrs. Adams of Izard, Baber, Batson, Bussey, Crenshaw, Cryer, Dollarhide, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Spivey, Totten of Arkansas, and Wallace—26.

So the amendment was postponed indefinitely.

Mr. Flanagin moved to strike out the proviso, at the end of the 3d section.

Which motion prevailed.

Mr. Mayo offered the following as an additional section:

Provided, That agents or attorneys that may have, or may hereafter have money belonging to any citizen of the non-slaveholding states, shall pay said money into his respective county treasury for the use and benefit of the state, within 60 days after the passage of this ordinance, and on failure to do so he shall be fined not less than double the amount of the amounts withheld—to be collected as other fines now are; *And provided further*, That all persons being indebted to citizens of the non-slaveholding states, or holding evidences of indebtedness to the same, shall report the same to the clerk of his respective county court, who shall keep a register of the same—and attorneys holding the evidences of such debts, may be allowed to bring suit for the same—and for such indebtedness it shall be the duty of the various district attorneys to collect and bring suit for said indebtedness, and they shall be required to give a sufficient bond for their future performance of said duty, said debtors shall be allowed such stays as may be allowed to the debtors of the same character.

Which, on motion of Mr. Gould, was laid on the table.

Mr. Mayo offered the following as an additional section:

Be it ordained, That all debts hereafter contracted by any of our citizens for arms and munitions of war, or for provisions or meat, with the citizens of the non-slaveholding states, shall hold good in law and in equity as heretofore.

Mr. Gould moved to amend by inserting the words "Arizonia and New Mexico," at the end of section 5, which was adopted.

Mr. Turner moved to amend by striking out the word "shall" in section 6, and inserting the word "may."

Which motion did not prevail.

Mr. Kennard offered the following amendment to the ordinance:

"All moneys received in the state treasury from citizens of this state, under the operation of this ordinance, who are indebted to citizens of the United States, shall be accounted for and paid to such creditors by the state, upon a final adjustment of pending difficulties between the Confederate States and the United States, under the terms of a treaty of peace that may be negotiated between the Confederate States and the United States.

Which, on motion of Mr. Patterson, of Jackson, was adopted.

Mr. Watkins moved to reconsider the vote taken yesterday, which inserted the word "shall," in the 6th section in place of the word "may," upon which motion Mr. Patterson, of Jackson, called for the yeas and nays; which call was had with the following result:

Yeas—Messrs. Austin, Baber, Bolinger, Bush, Campbell, Carrigan, Clingman, Cypert, Dinsmore, Fishback, Flanagin, Kelley, Murphy, Patterson of Van Buren, Smith, Stallings, Stillwell, Stout, Turner, Walker, Watkins and Mr. President—22.

Nays—Messrs. Adams of Izard, Batson, Bussey, Cryer, Cochran, Desha, Dodson, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Hobson, Johnson, Kennard, Lanier, Mayo, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smoote, Spivey, Stirman, Tatum, Totten of Arkansas, Wallace and Yell—35.

So the vote was not reconsidered.

Mr. Gould moved to adopt the substitute as amended and called for the yeas and nays, which call was sustained, ordered and had with the following result:

Yeas—Messsrs. Adams of Izard, Austin, Baber, Batson, Bussey, Carrigan, Cryer, Cypert, Cochran, Desha, Dodson, Dollarhide, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Shelton, Slemons, Smith, Smoote, Spivey, Stallings Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Walker, Wallace, Watkins and Yell—49.

Nays—Messrs. Bolinger, Bush, Campbell, Clingman, Dinsmore, Fishback, Murphy, Robinson, Turner and Mr. President—10.

So the substitute was adopted.

Mr. President made a verbal explanation of his vote, saying that he considered the questions contained in the substitute as peculiarly within the jurisdiction of the confederate states alone.

Mr. Clingman made the following written explanation of his vote:

"As an explanation of my vote I would respectfully submit that this state can only suspend such payments, and that the Confederate States *alone* can confiscate *in* the Confederate States. The act is *sovereign*—the act of a nation.

Messrs. Grace, Totten of Arkansas and Ray, made the following explanation of their votes:

"An ordinance to prevent giving aid and comfort to the enemy."

We vote for this ordinance because we can get nothing better. We are opposed to that portion of the ordinance which pledges the faith of the state to account for the money which may be placed in the treasury of this state, under the operation of this ordinance. We are in favor of absolute confiscation.

W. P. GRACE,
JAMES L. TOTTEN,
A. RAY.

Mr. Turner submitted the following explanation of his vote.

Mr. President—

I am in favor of that part of the ordinance which provides for the suspension of debts due from citizens of the State of Arkansas to citizens of the United States, and also of that part of said ordinance prohibiting the transmission of money, or other property, by citizens of Arkansas to persons residing in said United States, but in as much as said ordinance makes it imperative on debtors of this state to pay their indebtedness due to citizens of said United States into the state treasury—and regarding this as a confiscation of said indebtedness, I voted "no."

Mr. Kennard introduced the following.

ORDINANCE No. 70.

AN ORDINANCE *Supplementary to an ordinance entitled ' An ordinance to provide revenue for the State of Arkansas.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the ordinance entitled, "An ordinance to provide revenue for the State of Arkansas," adopted May 29th, 1861, shall not be so construed as that said ordinance shall, in any manner conflict with the first section of an ordinance, entitled, "An ordinance to provide for the payment of debts due from the government of the United States to citizens of the State of Arkansas, out of moneys seized from the United States, by the State of Arkansas, appropriated by the ordinance last aforesaid, shall not be included in the moneys appropriated as a part of the revenue of the state, by the ordinance to which this ordinance is supplemental.

Which ordinance, on motion of Mr. Floyd, was adopted.

Mr. Flanagin offered amendments to the ordinance creating revenue for the state, which were referred to the committee on ways and means, without being read.

Mr. Gould introduced the following

ORDINANCE No. 71.

AN ORDINANCE *For the stay of executions.*

SEC. 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That no execution shall be issued upon any judgment or decree, founded upon any debt contracted or liability incurred, of a civil nature, prior to the 6th day of May, 1861, until the further order of this convention, or of the General Assembly of the State of Arkansas, at a regular session, except in cases hereinafter mentioned.

SEC. 2. *Be it further ordained*, That in any case, when the plaintiff or any person for him, shall file with the clerk of the circuit court, or with a justice of the peace, an affidavit that any defendant in any such judgment, is about to remove his property from the state with an intention of defrauding his creditors, it shall be the duty of such clerk or justice to issue an execution upon such judgment against such defendant; *Provided*, That the fact of such supposed intention of removal shall be put in issue before the court or justice, before which such execution is returnable, and if such issue be found for the plaintiff, the execution shall be executed, and sales on such executions from the circuit court may be made on any day of the term, as ordered by the court, but if such issue be found for the defendant the execution shall be quashed.

3d. *Be it further ordained*, That judgments and decrees of the circuit court as well as those already rendered as those hereafter to be rendered, shall be liens upon slaves to the same extent, and in the same manner as judgments and decrees are now a lien upon real estate.

4th. *Be it further ordained*, That executions upon such judgments may issue upon such judgments which are wholly for the benefit of minor children; *Provided*, That not more than ten per cent. of the amount of such judgments shall be collected in any one year.

Sec. 5. *Be it further ordained*, That the provisions of this ordinance shall apply to sales under mortgages and deeds of trust, executed prior to the 6th day of May, 1861, wherein sales are authorized to be made by individuals, in the same manner and to the same extent as though such sales were to be made by execution or decretal order by operation of law.

Sec. —. The provisions of this ordinance shall apply to executions already issued upon such judgments, and shall be immediately returned; and the provisions of this ordinance shall apply to judgments and decrees hereafter to be rendered upon such contracts or liabilities, as well as to such judgments and decrees already rendered.

Mr. Watkins introduced

ORDINANCE No. 72,

Entitled " an ordinance concerning the collection of debts."

On motion of Mr. Watkins, both ordinances, together with an amendment offered by Mr. Robinson, were referred to a select committee, with instructions to report at 3 o'clock this afternoon. Whereupon Mr. President appointed Messrs. Gould, Turner and Flanagin, such committee.

Mr. Baber, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined an ordinence to regulate, for the time being, the sales of public lands within this state, and for other purposes.

An ordinance to provide revenue for the State of Arkansas.

An ordinance to provide for the payment of debts due from the government of the United States to citizens of the State of Arkansas, out of moneys seized from the United States by the State of Arkansas.

An ordinance to authorize the county court of Pulaski county to purchase horses.

A resolution in relation to issuing provisions to the soldiers of Col. Churchill's regiment.

An ordinance to confirm the several acts of the General Assembly of this state, to establish separate courts in certain counties.

An ordinance to enable the military board to call in all the arms belonging to the state not now in the hands of enlisted soldiers; and have instructed me to report the same correctly enrolled.

BABER, *Chairman pro tem.*

Mr. Hanly presented a telegraphic dispatch from P. R. Clebourne; which was referred to the military board.

Mr. President presented a communication from Col. T. J. Churchill, on behalf of ladies of Little Rock; which was respectfully received.

Mr. Grace, from the committee on ordinances and resolutions, made the following

REPORT:

Mr. PRESIDENT—

Your committee, to whom was referred a resolution requesting that they should prepare and report to this convention an ordinance, authorizing and empowering the military board to investigate and determine all claims against the state, growing out of, or in any way connected with the military service of the state, have had the same under consideration, and direct me to report, that in the opinion of your committee, the ordinances heretofore passed, defining the powers and duties of said board, have already clothed said military board with the power mentioned in said resolution, and that further ordinance on that subject is unnecessary.

Your committee, therefore report the resolution back to the convention and recommend its rejection.

GRACE, *Chairman.*

Which report was adopted.

Mr. Smoote, one of the committee on the judiciary, made the following

REPORT:

Mr. PRESIDENT—

The standing committee on judiciary, to whom was recommitted ordinance No. 52, with instructions, have had the same under consideration, and have instructed me to report it back so modified as to conform to said instructions, which is herewith done.

All of which is respectfully submitted, etc.

HANLY, *Chairman.*

The following ordinance, No. 62, as recommended by said committee was then read and adopted:

AN ORDINANCE

To provide for the relief of the families of volunteers in actual service, in certain cases.

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the county courts of this state be, and they are hereby empowered to set apart and appropriate as a fund for the relief and support of the families of volunteers while in actual service, when from affliction or indigence such relief may be necessary, so much of the special tax which the said courts are authorized to levy by an ordinance adopted by this convention on the eleventh day of May, A. D. 1861, entitled "an ordinance to levy a tax for military and other purposes," as in the judgment of either of said courts may be necessary to constitute the relief fund herein contemplated; *Provided*, That the fund raised and appropriated shall, in all cases, be expended for the benefit of families of volunteers residing in the county where the same is raised; and the collector of revenue shall receive no compensation for collecting the tax provided for by said ordinance above referred to.

SEC. 2. *Be it further ordained*, That the county courts be authorized to issue county scrip, anticipating the tax necessary to effect the objects of the preceding section.

SEC. 3. *Be it further ordained*, That the county courts of this state be, and they are hereby authorized and empowered to appoint and raise, semi-annually, a home guard of minute men, whose term of service shall be for three months in their respective limits, to consist of companies of not less than ten for each township, whose officers, when elected by the companies respectively, shall be commissioned by the county courts, and whose duty it shall be to see that all slaves are disarmed, to prevent the assemblage of slaves in unusual numbers, to keep the slave population in proper subjection, and to see that peace and order are observed; and said guard are authorized to arrest all suspected persons, and bring them before some justice of the peace, without warrant, for trial by the civil authorities; the home guard of minute men shall be armed and equipped by each county, at its own expense, out of the tax provided for by said ordinance, "to levy a tax for military and other purposes," and compensation may be made to said guard out of said tax, if, in the discretion of the county court such compensation should be made. The home guard shall assemble in their respective townships to take precautionary measures, at least once in each week, at the call of the commanding officer, and shall be momentarily ready for service at his call; persons engaged in this branch of duty shall, upon failure to obey the call to duty by the commander, forfeit not less than one dollar, nor more than five dollars for each offence, to be collected in the name of the presiding judge of the county court, before any justice of the peace, to be applied by the county court in defraying the expenses of this branch of the public service, unless it shall be shown that such failure was the result of sickness or other good cause. A general commander shall be appointed for each county by the several county courts, whose duty it shall be, when necessary, to take charge of all the home guard minute men in his county and direct their operations; and the county court is authorized to issue county bonds or scrip, for the purpose of raising money immediately to meet the expenses contemplated by this section.

Sec. 4 *Be it further ordained*, That this ordinance shall be repealable by the General Assembly of this state, and this ordinance shall be in force from and after its adoption.

Mr. Totten, of Arkansas, introduced

ORDINANCE NO. 73,

Which was read and adopted, and ordered not to be spread upon the journal.

The constitution, as remodeled by the committee on the judiciary, was taken up.

The preamble of the constitution was read and adopted.

Articles first and second, with sections one, two, three, four, five, six, seven and eight, of article second, were read and adopted without amendment.

Mr. Smith moved to amend the 9th section of article second, by inserting the word "papers," in the first line after the word "houses," which was adopted.

The 9th section, as amended, was adopted.

Sections 10, 11, 12, 13, 14, 15, 16, 17, 18, 19 and 20, were read and adopted without amendment.

Mr. Cryer moved to amend the 21st section of article 2d, by adding the words "and said rights shall not be infringed;" which was lost.

Mr. Mayo moved to amend by adding, "and said right shall not be infringed in any manner whatsoever;" which motion did not prevail.

Section 21 was then adopted.

Mr. Murphy offered to amend the 23d section, by striking out the words "in time of peace;" which was adopted, and the section, as amended, was adopted.

The remaining section of article 2 was then adopted without amendment.

Mr Mayo moved to amend the 2d section of article 4, by inserting after the "America," in the 7th line, the words "not a citizen of this state."

Mr. Patterson, of Jackson, offered the following substitute for the amendment:

Insert the word "regular," before the word "army," in the sixth line.

Which was accepted.

Pending the discussion of which, on motion of Mr. Patterson, of Jackson, the convention rook a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Gould, Grace Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Hobson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Patterson of Van Buren, Ray, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—51.

Mr. President stated the question to be on the adoption of the substitute of Mr. Patterson, of Jackson, which was not adopted.

Sections two and three of article four were then adopted.

Mr. Flanagin moved to fill up the blank in the 4th section with the word "five," which was adopted, and the section as so amended was then adopted.

Section 5 was adopted.

On motion of Mr. Kelley, the blank in the 6th section was filled up by inserting the word "thirty;" and the section, as amended, was adopted.

Sections 6 and 7 were then adopted.

Mr. Patterson, of Jackson, moved to amend the 8th section, by striking out the word "ballot," and inserting in place thereof the words "*viva voce*."

Upon which motion Mr. Johnson called for the yeas and nays, which being sustained, was ordered and had, with the following result:

Yeas—Messrs. Baber, Hilliard, Hobbs, Johnson, Patterson of Jackson, Rhodes, Robinson and Smith—8.

Nays—Messrs. Adams of Izard, Austin, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hill, Hobson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Van Buren, Ray, Shelton, Slemons, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Watkins, Yell and Mr. President—49.

So the amendment was not adopted.

Mr. Watkins moved to strike out the word "August," and insert the word "October;" which was adopted.

Mr. Smith moved to strike out the word "continue," in the 2d line, and insert the word "commence;" which was also adopted.

On motion of Mr. Kennard, the words "commence and be holden" were stricken out, and the words "shall be held" were inserted in lieu thereof.

Mr. Johnson moved to amend by striking out the words "eighteen hundred and sixty-two," and inserting the words "eighteen hundred and sixty-one," and on that motion called for the yeas and nays, which were had, with the following result:

YEAS—Messrs. Crenshaw, Cochran, Hanly, Johnson, Kennard, Lanier, Murphy, Ray, Shelton, Stillwell, Tatum, Totten of Arkansas and Wallace—13.

NAYS—Messrs. Adams of Izard, Austin, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Cypert, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Hawkins of Ashley, Hill, Hilliard, Hobbs, Hobson, Kelley, Mayo, Parks, Patterson of Van Buren, Rhodes, Robinson, Slemons, Smith, Smoote, Spivey, Stallings, Stirman, Stout, Turner, Walker, Watkins Yell and Mr. President—41.

So the proposed amendment was lost, and the section, as amended was adopted.

Section 9 was read and adopted.

Mr. Patterson of Jackson, moved to amend the 10th section by striking out the words, "and judges of the county courts," and inserting the word "and" before the word "postmasters."

Which amendment was carried, and the section as amended, adopted.

Sections 11 and 12 were read and adopted.

Mr. Watkins moved to amend section 13 by adding the following:

"That no member of the General Assembly shall be elected to any office within the gift of the General Assembly, during the term for which he shall have been elected.

Which motion prevailed, and the section, as so amended, was adopted.

Mr. Totten of Arkansas, moved to strike out section 21, in article 4; which motion was lost.

Mr. Watkins moved to substitute the word "may," for the word "shall" in the first line of section 21; which motion prevailed, and the section, as amended, was adopted.

Mr. President presented the following communication from the military board, together with the accompanying telegraphic dispatches, relative to the 2d division of the army of Arkansas:

LITTLE ROCK, May 30th, 1861.

HON. DAVID WALKER,
President of the State Convention,

SIR: The military board having received the accompanying dispatches, deem it proper, before your body dissolves, to present the subject, difficult in its character, to your consideration.

The appointment of Gen. Bradley being conventional in its character, presents to the board more than ordinary difficulty, and they ask instructions, if it is deemed proper that any should be given.

Very respectfully,
Your obedient servants,
H. M. RECTOR, *President.*
C. C. DANLY,
BENJAMIN C. TOTTEN.

[By telegraph from Memphis.]
May 30th, 1861.

To GOV. RECTOR,
President Military Board:

My command has revolted; I demand investigation; leave for Little Rock this evening.

THOS. H. BRADLEY.

[By telegraph from Memphis.]
May 30th, 1861.

To President WALKER:

I have been suspended from my command; I am coming to the Rock.

THOS. H. BRADLEY.

[By telegraph from Memphis.]
May 30th, 1861.

To T. B. HANLY:

Arkansas forces returned from Bearsfield Point between two suns; a quantity of material abandoned; scouting party of picked men abandoned; no enemy nearer than Cairo; we are the laughing stock of the Tennesseeans; cause damaged in the north-east. Answer.

P. R. CLEBURNE.

[By telegraph from Memphis.]

May 30th, 1861.

To Col. GRACE or Gen. YELL:

We have deposed Bradley; appoint Col. Cleburne and satisfy regiment.

C. H. CARLTON,
Capt. Jefferson Guards.

Which were read, and on motion of Mr. Hanly, were laid upon the table for the present, and placed upon the calendar.

Sections 22, 23, 24, 25, 26 and 27 were then read and adopted without amendment.

Section 28 was read.

Mr. Carrigan moved to amend by striking out the words, "to less than —— hundred square miles nor."

Pending the discussion of which, on motion of Mr. Johnson, the convention took a recess until 8 o'clock, P. M.

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8 O'CLOCK, P. M.

Convention met.

Roll called:

PRESENT:

Messrs. Adams of Izard, Austin, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Cryer, Cypert, Cochran, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Grace, Hanly, Hawkins of Ashley, Hill, Hilliard, Hobbs, Johhson, Kelley, Lanier, Mayo, Parks, Patterson of Jackson, Patterson of Van Buren, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Yell and Mr. President—50.

Mr. President stated the question to be on the amendment of Mr. Carrigan, to strike out in the 28th section of the 4th article, the words, "to less than —— hundred square miles nor."

Mr. Floyd offered the following as a substitute for the section:

SEC. 20. No county now established by law shall ever be reduced by the establishment of any new county or counties to less than six hundred square miles; and all new counties heretofore formed, if they have not a sufficient population to entitle them to a representative in the legislature, shall be attached to any other county to elect senators and representatives.

Which, upon motion of Mr. Flanagin, was laid upon the table.

The question was then stated upon the amendment proposed by Mr. Carrigan; which was lost.

Mr. Hanly offered the following amendment

Amend the 28th section, 4th line at the end by adding: "Nor shall any county be hereafter established which shall contain less than —— hundred square miles, nor a less population than would entitle each county to a member in the House of Representatives according to the ratio of representation then established by law."

Which was adopted.

Mr. Gould moved to amend by adding after the word "miles," the words, "except Calhoun county, which may be reduced to 600 square miles," and to fill up the blank with 900; which amendment was lost.

Mr. Patterson of Jackson, offered the following proviso:

Provided, That the county of Jackson, by a majority of the voters thereof, may, at any time, create an additional county out of its present limits, in case the present ratio of representation shall be observed.

Which, after some discussion, was withdrawn.

Mr. Floyd offered the following proviso:

Provided, That the county of Johnson may be divided by the Arkansas river and form two counties, but both shall be joined together in electing senators and representatives until otherwise ordered by the General Assembly, when the population shall be sufficient for that purpose.

Which, on motion of Mr. Yell, was laid on the table.

Mr. Patterson of Jackson, renewed his proviso.

Mr. Yell moved to lay the proviso upon the table; which did not prevail.

Mr. Batson moved to amend by including Johnson county; which was adopted.

Mr. Grace moved to amend by adding:

And provided, That Jefferson county shall not be reduced below its present limits.

After considerable discussion, Mr. Patterson withdrew his proviso.

Mr. Totten of Arkansas, offered the following amendment:

Provided, That the county of Arkansas shall not be reduced below her present limits without the consent of a majority of the qualified voters thereof at a general election.

Mr. Patterson moved to lay the amendment upon the table; which did not prevail.

Mr. Cryer offered to amend the proposed amendment of Mr. Totten by adding the county of Lafayette.

Mr. Yell moved to lay the amendment upon the table; which motion prevailed.

Mr. Fishback moved to strike out section 28; which motion was lost.

The section, as amended, was then adopted.

On motion of Mr. Desha, the blank was filled with the word "six," and after the word "hundred," the words "twenty-five," were added in the 2d line.

Mr. Smoote moved to reconsider the vote adopting the 28th section; which motion did not prevail.

Sections 20 and 30 were then read and adopted without amendment.

Mr. Cypert moved to fill up the first blank in section 31 with 25, and the second blank with 35; which motion was carried, and the section, as amended, adopted.

Section 32 was then read and adopted.

Mr. Smoote moved to fill the blank in the 33d section with "seventy-six;" which was adopted.

Mr. Bush offered to amend the same section by adding after the word prescribed in the 12th line:

Provided further, That the county of Craighead shall be entitled to one representative until the next enumeration and apportionment; *And provided further*, That the said county of Craighead be added to the senatorial district of Randolph and Greene counties, until otherwise provided by law.

Which was adopted.

Mr. Smith moved to amend the 32d section by adding:

And the General Assembly shall, at the first session after the return of every enumeration, so alter and arrange the senatorial districts, that each district shall contain as nearly as practicable, an equal number of free white male inhabitants, and no county shall be divided in the formation of a senatorial district.

Article 4 was then adopted.

On motion of Mr. Flanagin, the convention adjourned until to-morrow morning, 8 o'clock.

DAVID WALKER,
President.

◆

FRIDAY, *May* 31*st*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hobbs, Hobson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—55.

Mr. Austin asked and obtained leave of absence for Mr. Patterson of Van Buren.

The reading of the journal was dispensed with.

Mr. President appointed Mr. Watkins one of the committee to whom was referred the memorial of the Cairo and Fulton R. R. company.

Mr. Gould from the select committee to whom was referred ordinances No. 71 and 72, and an amendment, reported back the following ordinance No. 74 with amendment, and as amended, recommended its adoption.

AN ORDINANCE

Regulating sales on executions and trusts.

Be it ordained by the people of the State of Arkansas in convention assembled, That upon all judgments and decrees rendered, or which may hereafter be rendered, upon debts contracted, or liabilities of a civil nature, incurred prior to the 6th day of May, 1861, executions may issue as now provided by law; *Provided, however*, That no sales shall be made upon executions or decretal orders already issued upon such judgments or decrees, or upon executions or decretal orders which may hereafter be issued upon such judgments or decrees, until the property levied upon by virtue of such executions or decretal orders shall be valued by three disinterested persons, to be summoned by the sheriff or constable having the execution or decretal order in charge; which sheriff or constable shall administer the following oath to the persons so summoned, to-wit:

"We, ——, ——, ——, do severally solemnly swear that we will truly value and appraise the property shown us by (sheriff, constable or trustee,) according to its market value on the 6th day of November, 1860, taking into consideration additions for permanent improvements upon real estate, and increased value arising from increased age of stock and slaves, and making deductions for the destruction, injury to, or removal of permanent improvements on real estate, and for deterioration by age or disease to personal property, so help me God."

And such appraisers shall make out an appraisement and sign the same, which shall be attached to and returned with the execution or other authority for sale, and after the valuation as aforesaid has been made, no sales of such property shall be made by the officer having charge of the execution or decretal order, unless the same shall be bid off at a sum not less than the valuation affixed by the appraisers aforesaid. If such sum be not offered for such property, it shall be the duty of the officer to restore the property to the person in whose hands it was levied upon without any bond whatever. This section shall not be so construed as to prevent any defendant from giving delivery bond as now provided by law; and all sales made by virtue of any execution issued upon forfeited delivery bonds in cases provided for in this section, shall be made as provided for on original execution.

Sec. 2. The provisions of this ordinance shall not apply to debts contracted or liabilities of a civil nature incurred subsequent to the 6th day of May, 1861, but in such cases executions may issue and be executed as now provided by law.

Sec. 3. *Be it further ordained*, That the provisions of this ordinance, so far as applicable, shall apply to sales made by administrators and guardians, and other persons acting in a fiducial capacity.

Sec. 4. *Be it further ordained*, That the provisions of this ordinance shall apply to sales under mortgages and deeds of trust executed prior to the 6th day of May, 1861, wherein sales are authorized to be made by individuals, in the same manner and to the same extent as though such sales were to be made by execution or decretal order, by operation of law.

Sec. 5. *Be it further ordained*, That judgments and decrees of the circuit court, as well those already rendered as those hereafter to be rendered, shall be liens upon slaves to the same extent and in the same manner as judgments and decrees as now a lien upon real estate.

Sec. 6. *Be it further ordained*, That in all cases it shall be the duty of the officer having charge of the execution or decretal order, and of persons making sales under mortgages and deeds of trust, to offer property for sale in separate parcels, when the same is practicable, and the same shall be appraised in separate parcels as far as practicable.

Sec. 7. The provisions of this ordinance shall not be construed to effect an ordinance adopted by this convention, entitled "an ordinance for the relief of such citizens of the State of Arkansas as may be engaged in the military service of the State of Arkansas, or of the Confederate States."

Sec. 8. *Be it further ordained*, That this ordinance may be repealed, amended or modified by the General Assembly at any regular session thereof, and this ordinance shall take effect and be in force from and after its passage.

Which was received, and the ordinance made the special order for 3 o'clock, p. m.

On motion of Hanly, the consideration of the constitution was resumed.

Sections from 1 to 5, inclusive, of article 5, were read and adopted.

Mr. Smoote moved to strike out the proviso in section 6; which was lost.

Mr. Clingman moved to amend by adding the following proviso:

Provided, nevertheless, That this provision shall be suspended during the force of all ordinances establishing and defining the powers of the military board.

Which, on motion of Mr. Grace, was laid on the table.

Section 6 was then adopted.

Mr. Hanly offered the following amendments:

Amend section 6, article 2, at the end, by adding, "and Indians."

Section 10, article 2, first line, after the word "man," insert "and Indians."

Sec. 11, article 2, first line, insert after the word "men" and before "the," "and Indians."

Section 14, article 2, first line, after the word "man," insert "Indians included."

Section 16, article 2, first line, after the word "prisoners," insert "Indians included."

Section 21, article 2, first line, after the word "man," insert "Indians."

Which were severally adopted.

Sections 7, 8, 9 and 10, inclusive, of article 5, were adopted.

Section 11 was read.

Mr. Hanly moved to amend by inserting after the word "as," the words "may have been or."

Which was adopted; and the section, as amended, was adopted.

Section 12 was read and adopted.

Section 13 was read.

Mr. Lanier moved to amend by inserting "the" instead of "for this," in the 3d line.

Which was adoopted; and the section, as amended, was adopted.

Section 14 was read.

Mr. Carrigan moved to amend by making the office of secretary of state elective by the people.

Which, on motion of Mr. Lanier, was laid on the table.

Mr. Watkins moved to amend so that said office should be filled by appointment by the governor, by and with the advice and consent of the Senate.

Which was lost on division.

Mr. Cypert moved to amend by inserting "until otherwise provided for by law."

Which was lost.

The section was then adopted.

Section 15 was read and adopted.

Section 16 was read.

Mr. Kennard moved to strike out the word "who," in the 3d line, and insert "which;" and "their," in the 4th line, and insert "its."

Which amendments were adopted; and the section, as amended, was adopted.

Sections 17, 18, 19, 20, 21, 22 and 23 were read and severally adopted.

Section 24 was then read.

Mr. Carrigan moved to make the office of auditor elective by the people.

Which motion was laid on the table, and the section adopted.

Under the head of "Militia."

Mr. Flanagin moved to strike out the first section; pending which,

On motion of Mr. Gould, ordinance No. 74, entitled "an ordinance regulating sales on executions and trusts," was taken up and read.

The 1st section was read.

Mr. Smoote offered as a substitute the following:

Amend by substituting for all of the first section, after the ordaining clause, the following as the first section:

"That no execution shall be issued on any judgment or decree now rendered, or hereafter to be rendered, upon any debt contracted or liability incurred of a civil nature, prior to the 6th day of May, A. D. 1861, until the 1st day of January, A. D. 1863, or until further order of this convention, or of the General Assembly of the State of Arkansas, at a regular session thereof, except in the cases hereinafter mentioned; and all executions already issued on such judgments and decrees, shall be immediately returned, without further action thereon by the officers in whose hands they may be, until the first day of January, 1863, or until further ordered by this convention or the General Assembly of this State, at a regular session thereof."

Which was lost on division.

Mr. Watkins offered to amend by adding to the first section the following:

And provided, That at any time after the expiration of two years after the restoration of peace, any such property, so offered for sale and not sold, may be seized and sold under execution of such judgments absolutely, and without reference to any such appraisement.

Which was adopted.

Mr. Watkins also moved to amend by substituting for the words "not less than the valuation," in the 1st section the words "not less than three-fourths of the valuation."

Upon which, Mr. Mayo called for the yeas and nays, which call was ordered and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Baber, Batson, Bush, Campbell, Clingman, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Hobbs, Kelley, Kennard, Parks, Robinson, Smith, Stillwell, Stirman, Turner, Walker, Watkins and Mr. President—27.

NAYS—Messrs. Bussey, Carrigan, Crenshaw, Cryer, Cochran, Dollarhide, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobson, Johnson, Lanier, Mayo, Murphy, Patterson of Jackson, Ray, Rhodes, Shelton, Slemons, Smoote, Spivey, Stout, Tatum, Totten of Arkansas, Wallace and Yell—29.

So the amendment was not adopted.

Mr. Cypert moved to amend the 1st section by substituting for the words "not less than the valuation," the words "not less than two-thirds of the valuation."

Mr Flanagin moved to amend the amendment by inserting the words "seven-eighths," instead of "two-thirds."

Mr. Hanly moved to lay both amendments upon the table.

Upon which, Mr. Cypert called for the yeas and nays; which were had with the following result:

Yeas—Messrs. Bussey, Carrigan, Crenshaw, Cryer, Cochran, Dollarhide, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobson, Johnson, Lanier, Mayo, Murphy, Patterson of Jackson, Ray, Rhodes, Shelton, Slemons, Smoote, Spivey, Tatum, Totten of Arkansas, Wallace and Yell—28.

Nays—Messrs. Adams of Izard, Austin, Baber, Batson, Bush, Campbell, Clingman, Cypert, Desha, Dinsmore, Dodson, Fishback, Flanagin, Floyd, Fort, Hobbs, Kelley, Kennard, Parks, Robinson, Smith, Stillwell, Stirman, Stout, Turner, Walker and Mr. President—28.

So the amendment, and the amendment to the amendment, was not laid upon the table.

Mr. President stated the question to be on the adoption of the amendment of Mr. Flanagin to the amendment offered by Mr. Cypert.

Mr. Tatum moved a call of the convention.

Whereupon, the roll being called, it appeared that Messrs. Bolinger, Fuller, Hill, Lanier, Patterson of Jackson, Stallings, and Totten of Prairie, were absent without permission; and the sergeant-at-arms was dispatched for such absentees.

After the lapse of some time, the call was suspended; and,

On motion of Mr. Hanly, the convention took a recess until half past 2 o'clock, p. m.

½ PAST 2 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Clingman, Crenshaw, Cryer, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hilliard, Hobbs, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Watkins, Yell and Mr. President—53.

Mr. Tatum moved that the consideration of the constitution be resumed; which prevailed on division.

On motion of Mr. Patterson of Jackson, no member will hereafter be allowed to speak more than five minutes at any one time, nor more than once on any one subject.

Under the head of "Militia."

The first section was read.

Mr. Flanagin moved to strike out the 1st section.

Which motion did not prevail.

Mr. Patterson of Jackson offered the following substitute for the 1st, 2d and 3d sections, under the head of "Militia:"

SEC. —. The General Assembly shall have power to regulate the militia system and military organization of the state, subject to the provisions of ordinances heretofore passed by the convention of the State of Arkansas.

Which were adopted.

Mr. Floyd offered the following as an additional section:

SEC. 26. No bank nor any banking privileges shall ever be allowed or incorporated within this state.

Mr. Lanier moved to lay it upon the table.

Upon which, Mr. Floyd called for the yeas and nays, which was sustained, ordered and had with the following result:

NAYS—Messrs. Austin, Baber, Bush, Bussey, Carrigan, Clingman, Cypert, Desha, Dinsmore, Fishback, Flanagin, Grace, Hanly, Hilliard, Hobbs, Kennard, Lanier, Patterson of Jackson, Ray, Robinson, Shelton, Slemons Smith, Stallings, Stillwell, Stout, Tatum, Totten of Arkansas, Turner, Wallace and Watkins—30.

YEAS—Messrs. Adams of Izard, Batson, Bolinger, Campbell, Crenshaw, Cryer, Cochran, Dodson, Floyd, Fort, Gould, Hawkins of Ashley, Hawkins of Sevier, Hill, Johnson, Kelly, Mayo, Murphy, Parks, Rhodes, Smoote, Spivey, Stirman, Walker, Yell and Mr President—26.

So the section proposed was laid on the table.

Mr. Austin moved a reconsideration of the vote, which did not prevail.

Messrs. Stout and Austin then obtained leave to change their votes.

Mr. Johnson introduced the following as an additional section.

SEC. 26.—No bank of issue shall be incorporated within this state."

Mr. Murphy offered the following as a substitute for the proposed section.

"No bank of circulation shall be permitted in this state."

Which was out of order.

Mr. Baber moved to lay the section proposed by Mr. Johnson on the table. On which Mr. Johnson called for the yeas and nays, which call was sustained, ordered and had with the following result:

YEAS—Messsrs. Baber, Bush, Bussey, Campbell, Carrigan, Clingman, Cypert,Desha, Dinsmore, Fishback, Flanagin, Fort, Grace, Hanly, Hilliard, Kennard, Lanier, Patterson of Jackson, Ray, Robinson, Shelton, Slemons, Spivey, Stallings, Stillwell, Stirmin, Tatum, Turner, Wallace and Watkins—30.

NAYS—Messrs. Adams of Izard, Austin, Batson, Bolinger, Crenshaw, Cryer, Cochran, Dodson, Dollarhide, Floyd, Gould, Hawkins of Ashley, Hawkins of Sevier, Hill, Hobbs, Hobson, Johnson, Kelley, Mayo, Murphy, Parks, Rhodes, Smith, Smoote, Spivey, Stout, Walker, Yell and Mr. President—29.

So the additional section proposed was laid on the table.

Mr. Murphy offered the following, as an additional section:

The General Assembly shall have power to incorporate banks of deposit, discount or circulation; *Provided*, The capital of such bank be paid up, and the state shall not be a stockholder or owner thereof, and that the circulation of any such banks shall never exceed the amount of specie on hand to redeem the same.

Which was lost.

Article 5 was then adopted.

Article 6 was taken up.

Section 1 was read.

Mr. Hanly moved to amend by inserting in the second line after the word "courts," the words "in probate courts, in corporation courts," also, by striking out from the second and third lines of same section, the words, "also vest such jurisdiction as may be deemed necessary in corporation courts and," and also, by striking out from the fourth line the word "may," and by inserting after the word "establish," in the same line, the word "separate."

Which was adopted, and the section as so amended was adopted.

Section 2 was read.

Mr. Watkins moved to amend by inserting—"the one of whom having the shortest time to serve," in lieu of "one of whom," also, by adding after the word "writs," the words "in aid of its appellate jurisdiction."

Which was adopted.

Mr. Smith moved to insert in the 5th line, before the word "regulations," the words "restrictions and."

Which was adopted, and the section as amended, was adopted.

Mr. Yell moved to amend the 3d section by adding "until the General Assembly shall establish criminal courts," and strike out the words "until otherwise provided by the General Assembly," which was lost on division.

Mr. Mayo moved to amend by adding after the word "dollars," in the 6th line, the words "until otherwise altered by law."

Mr. Robinson moved to amend by striking out the word "one," before "dollars," in the 6th line and inserting the word "five," which amendment was accepted, and the amendment as amended was lost.

Mr. Smith moved to strike out the word "exclusive," in the 2d line, which motion was lost.

Mr. Watkins moved to strike out the words "at the common law," in the 3d line—which motion prevailed.

Mr. Watkins moved to amend further by adding after the word "before," in the 4th line, the words "other inferior courts or," which was carried.

Mr. Watkins moved also to strike out the word "sum," in the 6th line and insert "matter."

Which motion did not prevail.

Mr. Watkins also moved to amend by inserting after the word "dollars," the words "until otherwise provided by the General Assembly," which was lost.

Section 3, as amended, was then adopted.

Section 4 was read.

Mr. Hanly offered to amend as follows:

Amend the 4th section, 4th line, by striking out the words "shall have power," and insert the word "may." Amend the 6th line, after the word "law," strike out the semi-colon and insert a period, and strike out the word "and" after the word "law," make the sentence commence with a capital "I." Amend further, by adding after the last word in 9th line, same section, by adding the following "or be disqualified under the same to preside in any cause pending in his court."

Amend 12th line, same section, by striking out the words "of said court." Amend 13th line by striking out the words "at such court."

Mr. Lanier moved to amend by striking out all after the word "law," in the 6th line, which did not prevail.

Mr. Robinson moved to amend by adding to the amendment the following:

"*Provided*, Said special judge shall be paid by the regular judge for his salary in holding said courts."

Which, on motion of Mr. Mayo, was laid on the table.

Mr. Flanagin offered the following as a substitute for the amendment:

If from any cause, at the time of holding a circuit court in any county in this state, there shall be no regular judge present, the attorneys present may select from among themselves, one of their number, to act as judge with all the power and authority of a regular judge, and in case the judge, regular or special, shall be interested in any case, or cases, or otherwise incompetent, the attorneys present may select a judge to try such case.

Which was adopted.

Mr. Watkins offered to amend by striking out in the 4th line from the word " the," to the word " law," in the 6th line.

Mr. Lanier moved to amend by adding:

And at any regular term of the circuit court in this state, the members of the bar or a majority of them practicing in such court, and being in attendance thereon, may call any one of their number to preside at such court, and he shall have all the power of a circuit judge, and such fees as the General Assembly shall provide.

Which, on motion of Mr. Hawkins, of Ashley, was laid on the table.

The amendment of Mr. Watkins was then adopted.

Mr. Flanagin also moved to amend by adding to the substitute, as adopted, the following:

And who shall receive such compensation as the General Assembly may prescribe.

Which, on motion of Mr. Hanly, was laid on the table.

Mr. Austin moved to amend by adding to the substitute the following:

Who shall take the oath prescribed by law previous to entering upon the discharge of his duties.

Which was adopted.

The question was then stated by the president *pro tem*, (Mr. Smoote being in the chair,) upon the adoption of the section as amended. Whereupon, Mr. Johnson called for the yeas and nays, which call was sustained and had with the following result:

YEAS—Messrs. Austin, Batson, Bolinger, Campbell, Carrigan, Clingman, Crenshaw, Cypert, Desha, Dinsmore, Dollarhide, Flanagin, Floyd, Fort, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hobbs, Kelly, Kennard, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Shelton, Slemons, Smith, Smoote, Spivey,Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Wallace, Watkins and Yell—42.

NAYS—Messrs. Adams of Izard, Cryer, Cochran, Dodson, Hilliard Hobson, Johnson, Lanier, and Robinson—9.

So the 4th section, as amended, was adopted.

On motion of Mr. Yell, the Convention took a recess until 8 o'clock, p. m.

8 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Clingman, Crenshaw, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hill, Hobbs, Johnson, Kelley, Kennard, Lanier, Mayo, Parks, Rhodes, Robinson, Shelton Slemons, Smith, Smoote, Spivey, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Yell and Mr. President—51.

Section 5 of Article 6, of the constitution was read.

Mr. Hanly moved to strike out all after the word "over," in the 1st line, to the word "circuits," in the 2d line, and insert "all inferior courts."

Which motion prevailed.

Mr. Smith moved to amend by adding the words "and over justices of the peace;" which, on motion of Mr. Grace, was laid on the table.

The section was then adopted as amended.

Mr. Flanagin moved to amend the 6th section by adding the words "until otherwise provided by law," which was adopted, and the section as amended, was then adopted.

Section 7 was read.

Mr. Stillwell offered to amend by striking out all of the first sentence after the word "be," in the 1st line, and insert "appointed by the governor, by and with the advice and consent of the senate."

Which, on motion of Mr. Floyd, was laid on the table.

Mr. Patterson, of Jackson, moved to amend the section, 'so as to make the judges of the supreme court elected by the people," but after considerable discussion, withdrew his amendment.

Mr. Gould moved to reconsider the vote on the rejection of Mr. Stillwell's amendment, which motion prevailed.

Mr. Stillwell moved to adopt his amendment.

Upon which motion, Mr. Lanier called for the yeas and nays, which was ordered and had with the following result:

Yeas—Messrs. Baber, Bush, Bussey, Campbell, Carrigan, Clingman, Cypert, Cochran, Desha, Dinsmore, Dollarhide, Fort, Gould, Grace, Hobbs, Kennard, Lanier, Mayo, Parks, Patterson of Jackson, Robinson, Shelton, Stillwell, Stirman, Stout, Totten of Prairie, Turner, Watkins, Yell and Mr. President—30.

Nays—Messrs. Adams of Izard, Austin, Batson, Bolinger, Crenshaw, Dodson, Flanagin, Floyd, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Johnson, Kelley, Rhodes, Slemons, Smith, Smoote, Spivey, Tatum, Totten of Arkansas, Walker and Wallace—23.

So the amendment was adopted.

Mr. Watkins moved to amend by adding after the word "qualified," in the 6th line, the following:

"The first appointment to take place," instead of "the first election under this constitution to take place."

Which was adopted.

Mr. Stillwell moved to amend by striking out the words "the term of eight years," and substituting the words "during good behavior."

Mr. Patterson, of Jackson, offered the following substitute: "*Provided*, That no judge shall hold office after he is seventy years of age."

Which was accepted, and the amendment, on motion of Mr. Mayo, was laid on the table.

Mr. Yell moved to strike out the word "eight," in the 5th line, and insert "four," which was laid on the table.

Mr. Kennard moved to amend by striking out "eight," and inserting "twelve," which, on motion of Mr. Mayo, was laid on the table.

Mr. Yell moved to strike out "eight" and insert "six," which, on motion of Mr. Mayo, was also laid upon the table.

Section 7, as amended, was then adopted.

Section 8 was read.

Mr. Kennard moved to amend by striking out all after the word "qualified," in the 4th line to the word "incumbents," in the 6th line, and inserting in place thereof, the following words: "and all elections of circuit judges shall be held as is or may be provided by law." Which was adopted, and the section as amended, was adopted.

Mr. Baber moved to amend the 9th section by striking out the words "two," in the 3d line and insert the word "four," which, on motion of Mr. Mayo, was laid on the table, and the section was adopted.

Mr. Carrigan moved to reconsider the vote "making the judges of the supreme court appointed by the governor.

Which motion was lost.

Mr. Flanagin moved to reconsider the vote on the adoption of the 9th section.

Which motion was lost on division.

Mr. Smith moved to amend by adding after the word "supreme," in the 10th section, the words "and circuit courts," which was adopted, and section as amended was adopted;

Mr. Gould moved to amend the 11th section by adding after the word " by," in the first line, the words " a presiding judge and."

Mr. Austin moved to amend by saying " two justices," instead of " the justices;" which was lost.

Mr. Smith moved to amend by substituting for the words " a presiding judge," the words " presiding judge of the county;" which amendment to the amendment was lost, and the amendment of Mr. Gould was adopted.

Mr. Floyd moved to amend by substituting before the word " taxes," in the third line, the word " county;" which was adopted.

Section 11, as amended, was then adopted.

Mr. Patterson, of Jackson, moved to amend the 12th section, by striking out the words " the justices of the peace," and inserting " the qualified voters."

Mr. Carrigan offered the following substitute for Mr. Patterson's amendment:

" That the qualified voters of each county shall elect a county and probate judge, as prescribed by law."

Which was not adopted.

Mr. Patterson's amendment was then adopted.

Mr. Kennard moved to strike out the whole of the sentence, from the word " the, in the third line, to the word " expire," in the fifth line; which was adopted.

Mr. Flanagin moved to insert in place of the sentence stricken out, the words, " the first election under this section shall take place at the general election next before the commissions of the present incumbents expire;" which was adopted.

Mr. Patterson, of Jackson, moved to amend by inserting after the word " guardian," in eighth line, the words " lunatics and insane persons;" which was also adopted.

Section 12, as amended, was then adopted.

Mr. Kennard moved to reconsider the vote adopting the 11th section; which motion prevailed.

Mr. Kennard offered to amend by inserting the words " such number of justices of the peace of the county as may be prescribed by law."

Mr. Watkins moved a substitute for the amendment by striking out the word "the," at the commencement of the second line; which was accepted, and the amendment adopted on division.

Mr. Flanagin moved to strike out the words, "the presiding judge and;" which was adopted, and the word "the," at the commencement of the 2d line was restored.

Section 11. as amended, was then adopted.

Mr. Cypert moved to strike out the whole of the 13th section; which motion prevailed.

Sections 14 and 15 were then adopted.

Mr. Watkins moved to strike out the 16th section; which motion was lost and the section was adopted.

Mr. Cypert moved to amend section 17, by inserting after the word "actions," in the 11th line, the following: "*ex delicto*, where the damages do not exceed one hundred dollars;" which was adopted.

Mr. Wallace offered to amend by inserting after the word "only," in the 12th line, the following:

> "Every action cognizable before a justice of the peace, instituted by summons or warrant, shall be brought before some justice of the peace of the township wherein the defendant resides, or is found; or if there be one or more defendants in different townships, then in the township where one of them resides, or is found."

Which was adopted.

Mr. Flanagin moved to amend by inserting after the word "and," in the 11th line, and before the word "in," the words "such jurisdiction as may be provided by law;" which was adopted.

Mr. Desha moved to amend the 9th line, by inserting after the word "jurisdiction," the words "in cases of bastardy and;" which was also adopted.

Section 18, as amended, was adopted.

Section 19 was read and adopted without amendment.

Section 1 of article 7 was read.

Mr. Hanly moved to amend by striking out the preamble to the word "the," in the 4th line, and by striking out the word "to," in the 6th line; which amendments were adopted.

Section 1, as amended, was then adopted.

Section 2 was read and adopted.

Section 3 was read.

Mr. Mayo moved to strike out the words "without the consent of their owners."

Pending the discussion of which, on motion of Mr. Desha, the convention adjourned until to-morrow morning, 8 o'clock.

DAVID WALKER,
President.

* * *

SATURDAY, *June* 1*st*, 1861.

Convention met pursuant to adjournment.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Bussey, Campbell, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Hobson, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Yell and Mr. President—56.

The journal of Thursday and yesterday was read, approved and signed.

Mr. Turner, from the judiciary committee, made the following

REPORT:

Mr. President—

The committee on the judiciary, to whom was referred the accompanying communications of N. B. Burrow, and of S. H. Tucker, C. P. Bertrand, Peter Hanger and S. H. Hempstead, late securities of Peter T. Crutchfield, deceased, formerly receiver and depositary of public moneys of the United States, at Little Rock, have had the same under consideration, and beeg leave to report:

That from an examination of said communications, they find that said securities have now in hand the sum of thirty-six (36,000) thousand dollars of United States funds, the same being the balance of ninety-four thousand dollars remaining in the hands of the said Peter T. Crutchfield, at the time of his death. Your committee would further state that they have not been able to perceive anything in the facts or reasoning of said securities, which would authorize them to withhold said sum of thirty-six thousand dollars from the state treasury; on the contrary, they are of opinion that it is subject to seizure, and ought to be appropriated to the payment of liabilities due by the United States to citizens of the State of Arkansas, and for other purposes, and in order that it may be so appropriated, your committee beg leave to recommend the passage of the accompanying ordinance, intended to embrace all holders of public moneys of the United States.

JESSE TURNER, *Chairman.*

Which was received;

And the following ordinance No. 75, was read and adopted:

AN ORDINANCE

Requiring certain officers to pay certain moneys to the state.

Section 1. *Be it ordained by the people of the State of Arkansas in convention assembled,* That receivers of public moneys of the United States, and all other persons whatever, postmasters excepted, who shall have any money in their hands which belonged to the government of the United States, up to the sixth day of May, A. D. 1861, shall be compelled, and they are hereby rebuired, within sixty days from the adoption of this ordinance, to pay all such moneys in their custody, keeping or control, into the state treasury, and should any person who is an officer of the State of Arkansas, fail or refuse to comply with the requirements of this ordinance, he shall forfeit his office, and the same, upon such neglect or failure, shall be deemed vacant, and the governor shall, after such sixty days, proceed to fill such vacancy.

SEC. 2. *Be it further ordained*, That such persons or officers, postmasters accepted, who shall wilfully refuse to comply with the requirements of this ordinance, shall be deemed guilty of a high misdemeanor, and, upon conviction thereof, shall be fined in any sum not less than ten thousand dollars, and may be imprisoned not exceeding two years.

SEC. 3. *Be it further ordained*, That all such funds shall be applied as may be provided by existing ordinances; in payment of dues from the late government of the United States to citizens of the State of Arkansas, and of the Indian territory west of the State of Arkansas.

Mr. Totten, of Arkansas, introduced

ORDINANCE No. 76.

AN ORDINANCE *for the relief of Coleman Bush and his securities.*

WHEREAS, Coleman Bush is under recognizance to appear before the circuit court of Arkansas county, on a charge of homicide; *And whereas*, Said Bush has joined the volunteer corps of the State of Arkansas;

Be it therefore ordained, That said Bush and his securities be hereby discharged from said recognizance.

Which was read, and on motion of Mr. Grace, laid on the table.

On motion of Mr. Hanly, the consideration of the constitution was then resumed.

The question pending was a motion to strike out the latter clause of section 3, under the head of "general provisions;" which motion prevailed, and the section, as amended, was amended.

Section 4 was read.

Mr. Slemons moved to amend by striking out the words "in the civil department of;" which motion was carried.

Mr. Clingman moved to amend the first line of the 4th section, by striking out the word "being," and inserting the word "existence."

Which, on motion of Mr. Kennard, was laid on the table.

The section, as amended, was then adopted.

Sections 5, 6 and 7 were adopted.

Mr. Patterson, of Jackson, moved to strike out section 8; which motion was adopted.

Mr. Lanier moved to insert:

The General Assembly shall have no power to pass laws inflicting a greater punishment than a fine of one hundred dollars on any person, or persons, that have been, or may hereafter be engaged in any duel in this state.

Which, on motion of Mr. Patterson, of Jackson, was laid on the table.

Section 9 was then read and adopted.

Section 10 was read.

Mr. Cypert moved to strike out the words "is now;" which prevailed.

Mr. Watkins moved to amend by inserting the words, "or codified," between "revised" and "arranged," in 3d line; which was adopted, and the section, as amended, was adopted.

Section 11 was read and adopted.

Section 12 was read.

Mr. Lanier moved to strike out the section and insert:

"No person shall be imprisoned in this state for debt."

Which was lost.

Mr. Patterson, of Jackson, offered the following as a substitute for the section:

"No person shall be imprisoned for debt, unless upon a charge of fraud, upon the oath of the auditor and two respectable persons, residents of the county where such debtor may reside.

On which Mr. Patterson, of Jackson, called for the yeas and nays, which was sustained, ordered and had, with the following result:

Yeas—Messrs. Baber, Bussey, Crenshaw, Cryer, Cochran, Desha, Dinsmore, Flanagin, Floyd, Fort, Hawkins of Ashley, Hilliard, Hobson, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Shelton, Slemons, Smoote, Spivey, Stirman, Stout, Walker and Yell—30.

Nays—Messrs. Adams of Izard, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Cypert, Dodson, Dollarhide, Flanagin, Grace, Hanly, Hill, Hobbs, Rhodes, Robinson, Smith, Stallings, Stillwell, Tatum, Totten of Arkansas, Turner, Watkins and Mr. President—25.

So the substitute was adopted.

On motion, the vote was reconsidered, and Mr. Kennard offered the following as an amendment to the substitute:

"Imprisonment for debt shall not be allowed in this state, except where an allegation of fraud on the part of the debtor shall be clearly proved."

Which was accepted, and the substitute, as amended, was adopted.

Mr. Flanagin offered the following as an additional section:

SEC. 13. The General Assembly of this state shall not distribute the public lands, late the property of the United States, nor the proceeds of the same among the counties, but the same shall be applied to general purposes.

Which was adopted.

The article entitled "revenue," was then taken up.

Section 1 was read and adopted.

Section 2 was read.

Mr. Lanier moved to amend by adding:

Provided further, That the legislature may authorize the county courts in this state to levy and collect a specific tax, for the purpose of building levees to protect their respective counties from overflow.

Which was adopted.

Mr. Kennard moved to amend by striking out, in the 1st line, the words "subject to taxation;" which did not prevail.

Mr. Grace moved to strike ont the word "merchants," in the 5th line; which, on motion, was laid on the table.

Mr. Carrigan moved to reconsider the vote on tabling; which did not prevail.

Section 2 was then adopted as amended.

Section 3 was read.

Mr. Watkins moved to amend by inserting the words "or corporation," before the word "county."

Mr. Lanier moved to amend the amendment by adding the word "state" before the word "county."

Which, on motion of Mr. Cypert, was laid on the table.

The amendment of Mr. Watkins was then adopted, and the section as amended, was adopted.

Section 4 was read and adopted.

Mr. Watkins moved to insert before the following sections the word "schedule," and number the sections to correspond to such heading: "1, 2, 3, 4," etc.; which prevailed.

Section 1 was adopted.

Section 2 was read.

Mr. Hanly moved to amend by adding to the first line the words "or the ordinances of the convention;" which was adopted, and the section, as amended, was adopted.

Section 3 was read.

Mr. Kennard moved to amend by striking out the words, in the 3d line, "it is hereby declared to be the sense of this convention that;" which was adopted, and the section, as amended, was adopted.

Section 4 was read.

Mr. Hanly moved to amend by adding: "or the ordinances passed by this convention."

Which was adopted, and the section, as amended, was adopted.

On motion of Mr. Batson, section 5 was stricken out.

Mr. Cypert moved to insert the following as section 5:

SEC. 5. The next general election for officers of this state, under this constitution, not otherwise herein provided for, shall be held on the 1st Monday in October, A. D. 1862, in the manner now prescribed by law.

Which was adopted.

Mr. Dollarhide offered the following as an additional section:

SEC. 6. The jurisdiction of corporation courts shall be confined to their respective corporate limits.

Which was adopted.

Mr. Stillwell moved to amend section 7, article 6, as follows:

"And in case of vacancy on the supreme bench, the same shall be filled by executive appointment to continue until the end of the next session of the General Assembly.

Which was adopted.

Mr. Carrigan moved to strike out "50," and insert "100," in second line of section 17, article 6.

Which was adopted.

Mr. Bolinger moved to amend article 6, section 3, line 3d, by striking out "one," and inserting "two."

Which, on motion of Mr. Patterson of Jackson, was laid on the table.

Mr. Lanier offered the following

RESOLUTION:

Resolved, That no more amendments shall be made to the constitution for ten days.

Which was lost.

Mr. Clingman offered the following as a substitute for 27th section of article 4:

Sec. 27. The appointment or election of all officers, not otherwise directed by this constitution, shall be made in such manner as may be prescribed by law; and all officers, both civil and military, acting under the authority of this state, shall, before they enter upon the duties of their respective offices, take an oath or affirmation to support the constitution of the Confederate States and of this state, and to faithfully demean themselves in office.

Mr. Carrigan moved to amend the amendment by so arranging the words that it will read:

"The constitution of the State of Arkansas and the Confederate States of America."

Which was accepted.

Mr. Watkins offered the following as a substitute for the amendment as amended:

"The General Assembly may, when the ordinances of this convention expire, require that every officer of this state shall take an oath to support the constitution of the Confederate States of America and of the State of Arkansas, and faithfully demean himself in office.

Which was adopted.

The constitution, as amended, was then adopted as the Constitution of the sovereign State of Arkansas.

Mr. Slemons introduced

ORDINANCE No. 77.

Be it ordained by the people of the State of Aakansas in con-

vention assembled, That the sum of five thousand dollars be, and the same is, hereby appropriated and set apart as a contingent fund, out of any moneys now in the treasury, for the purpose of defraying the expenses of the civil departments of the government, subject to the draft of the executive.

Which was not adopted.

Mr. Floyd introduced

ORDINANCE No. 78.

AN ORDINANCE *supplementary to the ordinance to provide revenue for the state.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the scrip that is directed to be issued as is provided for in the revenue ordinance, adopted at the present session of the convention, shall be issued in amounts or sums not less than five dollars, and such size pieces as the holder of the auditor's warrant may desire; *Provided*, Said auditor's warrant shall be more than five dollars; if less than five dollars, then to be issued for the amount of the auditor's warrant. And the treasurer shall be entitled to the same pay for issuing and registering scrip and bonds as is provided to be issued, as he is now entitled to receive for issuing swamp land scrip; and a sufficient amount of money is hereby appropriated out of the state treasury, to be paid the treasurer on the auditor's warrant for said service, and sufficient amount of money is also hereby appropriated to purchase the necessary books and stationery to carry out the provisions of the revenue bill.

Which was read and adopted.

Mr. Watkins introduced.

ORDINANCE No. 79.

AN ORDINANCE *to abolish the office of solicitor general of this State.*

Be it ordained, That the office of solicitor general of this state, be, and the same is hereby abolished, and that all and singular the duties of said office, shall devolve upon, and be performed by the attorney general (or corresponding officer of this state), whose salary, until otherwise regulated by the General Assembly, shall be increased to the sum of one thousand dollars per annum, to be paid quarterly, as other salaries of judicial officers, at that rate, from and after the passage of this ordinance.

And be it further ordained, That the fees of the land attorney and state collector shall be two and one half per centum on all moneys collected by him in his official capacity, from and after the passage of this ordinance.

Which was read.

Mr. Flanagin moved to strike out all of the ordinance after the word "abolish," and insert in lieu thereof the following:

"The chancery court and supreme court may appoint solicitors or attorneys when such courts may deem it proper to serve the interests of the state."

Mr. Robinson moved to amend by adding:

"And who shall only receive such compensation as the legislature may hereafter provide."

Which was lost; and,

On motion of Mr. Watkins, the ordinance with the several amendments was laid upon the table.

Mr. Floyd presented an account of Mr. Hammond, for "servant hire, to wait on the convention," amounting to $40 50. At the same time,

Mr. Floyd offered the following

RESOLUTION:

Resolved, That president certify the account of Mr. Hammond to the auditor for the sum of fifty dollars and fifty cents, for servant hire and contingent expenses of this convention.

Mr. Ray moved to lay the resolution upon the table; which motion was lost.

Mr. Dinsmore moved to amend by saying "one dollar," instead of "one dollar and a half."

Which motion did not prevail, and the resolution was adopted.

Mr. Spivey introduced

ORDINANCE NO. 80.

AN ORDINANCE *ratifying the permanent Constitution of the people of the Confederate States of America.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the constitution of the people of the Confederate States of America, prepared and tendered by the delegates or deputies of the States of South Carolina, Georgia, Alabama, Mississippi, Florida, Louisiana and Texas, in Congress assembled at the capitol of said Confederate States of America, in the city of Montgomery, in the State of Alabama, and by said delegates or deputies in said Congress adopted on the eleventh day of March, Anno Domini, one thousand, eight hundred and sixty-one, be, and the same is, hereby ratified by the people of the State of Arkansas, as the permanent constitution of the people of the said Confederate States of America.

Which was read.

Mr. Cypert offered to amend by adding the following proviso:

Provided, That this ordinance shall be ratified by the direct vote of the people of this state at an election to be held on the first Monday in August next, to be conducted in all things as other elections, as now provided by law. The ballots shall be for ratification, or against ratification; and the counts shall be made therefrom, and if a majority of votes shall be for "ratification," the said constitution shall be considered adopted; and if a majority shall be cast against "ratification," this ordinance shall be of no effect.

The president of this convention shall issue a proclamation ordering the election, to be held as herein provided for.

On motion of Mr. Turner, the convention took a recess until 3 o'clock, p. m.

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3 O'CLOCK, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Baber, Batson, Bolinger, Bush, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Ray, Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Turner, Walker, Wallace, Watkins, Yell and Mr. President—52.

Mr. Hill, on leave, introduced

ORDINANCE No. 81.

AN ORDINANCE *to divide the State of Arkansas into congressional districts.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the State of Arkansas be, and the same is hereby divided into four congressional districts, as follows:

The counties of Benton, Washington, Madison, Carroll, Newton, Crawford. Franklin, Johnson, Pope, Marion, Searcy, Van Buren and Conway, shall constitute the first congressional district.

The counties of Sebastian, Scott, Polk, Sevier, Yell, Montgomery; Pike, Hempstead, Lafayette, Columbia, Ouachita, Clark, Perry and Hot Spring, shall constitute the second congressional district.

The counties of Pulaski, Saline, Dallas, Calhoun, Union, Jefferson, Bradley, Drew, Ashley, Chicot, Desha, Arkansas and Prairie, shall constitute the third congressional district.

The counties of Fulton, Izard, Randolph, Lawrence, Greene, Independence, White, Jackson, Craighead, Poinsett, St. Francis, Crittenden, Mississippi, Monroe and Phillips, shall constitute the fourth congressional district.

Mr. Carrigan moved to amend by adding:

" An election for a member to the Congress of the Confederate States shall be held in each of said districts, at the time named and specified by said Congress of the Confederate States of America."

Which was adopted; and the ordinance, as amended, was adopted.

Consideration of ordinance No. 80 was then resumed.

The question was stated on the motion to lay the amendment of Mr, Cypert on the table.

On which, Mr. Cypert called for the yeas and nays; which was sustained, ordered and had with the following result:

YEAS—Messrs. Adams of Izard, Austin, Batson, Bussey, Clingman, Crenshaw, Cryer, Cochran, Dollarhide, Flanagin, Floyd, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobson, Jester, Lanier, Mayo, Patterson of Jackson, Ray Rhodes, Robinson, Shelton, Slemons, Smith, Smoote, Spivey, Tatum, Totten of Arkansas, Totten of Prairie, Walker, Wallace, Watkins and Yell—37.

Nays—Messrs. Baber, Bolinger, Bush, Campbell, Carrigan, Cypert, Desha, Dinsmore, Dodson, Fishback, Fort, Hobbs, Kelley, Kennard, Murphy, Parks, Stallings, Stillwell, Stirman, Stout, Turner and Mr. President—22.

So the amendment was laid on the table.

The question was stated on the adoption of the ordinance; which was adopted.

Ordinance No. 74, regulating sales on executions and trusts, was taken up.

The question was stated on the adoption of an amendment inserting "four-fifths of value," after the clause requiring property to be sold.

Which was adopted.

Mr. Kennard moved to amend by adding to the 1st section, the following:

And provided further, That when any property of a defendant shall be levied upon and offered for sale under execution, or decretal order, according to the provisions of this section, and shall not be sold, no further execution on the same judgment or decree shall issue for twelve months, except at the cost of the plaintiff.

Which was adopted.

Mr. Watkins moved to amend by adding after the words "original execution," "Nor to prevent the sale of perishable property seized on attachment or proceedings *in rem*;" which was adopted.

Mr. Batson offered as a substitute for the section as amended, the following:

That no sale of real estate shall be made by virtue of any execution, mortgage, or deed of trust before the 1st day of January, A. D. 1863.

Sec. 2. That when any execution shall be levied upon negroes or other personal property, the officer making such levy shall summon three disinterested householders of his county, who shall take an oath to faithfully view and appraise such property at its actual cash value, and the defendant may retain possession of such property by giving bond to the plaintiff, with sufficient security, to be approved by the officer, in the amount for which said property was appraised, conditioned for the delivery of the property to the officer on the 1st day of January, 1863, at a place to be named in the condition of said bond, and with the further condition that in case the property specified in said bond shall not be delivered as provided therein, or the amount of said bond paid, then said bond shall have the force and effect of a judgment upon which an execution may be issued against all the obligors thereof.

Which was not adopted.

Mr. Batson moved to strike out the words "according to its market value," etc.

Mr. Cryer moved to lay the amendment on the table; which motion prevailed.

Mr. Batson moved to amend by striking out the words, "incurred prior to the 6th day of May, 1861;" which, on motion of Mr. Cryer, was laid on the table.

Mr. Carrigan introduced the following substitute for the whole ordinance:

Be it ordained by the people of the State of Arkansas in convention assembled, That all judgments and executions now existing on judgments in the State of Arkansas, be, and the same are hereby stayed for the period of ten years from this day, with the privilege to the party or parties in whose favor such judgments or executions are, to force the party or parties against whom the same may be, to give additional security, satisfactory to the sheriff of the proper county, upon affidavit being made before a justice of the peace or clerk of the county, by the plaintiff in such judgments or executions, that such additional security is necessary to make the claim or claims of the plaintiff safe; *And be it further ordained*, That for the period of two years from this day, no suits shall be brought upon demands in the State of Arkansas, with the privilege to any party having any demands against persons to force such persons to give security satisfactory to the sheriff of the county in which the debtor may live, for the payment of such demand or demands at the end of such two years, in case the claimant shall make affidavit before a justice of the peace or the clerk of the county, that additional security is necessary to make such claim or claims safe.

Which, on motion of Mr. Cryer, was laid on the table.

The section, as amended, was then adopted.

The second section was then read.

Mr. Batson moved to amend by striking out 6th May, 1861, and inserting "6th November, 1860;" which, on motion of Mr. Hawkins of Ashley, was laid on the table.

Sections 3, 3 and 4 were then adopted.

Mr. Watkins moved to amend the 5th section as follows:

Insert in 2d line after the word "court," the words "and judgments of probate courts and justices of the peace docketed in the proper clerks office."

Which was adopted.

Mr. Watkins moved to amend by inserting "lands and" before the word "slaves:" which was adopted, and the section, as amended, was adopted.

Sections 6 and 7 were read and adopted.

Mr. Grace moved to amend by inserting for section 8 as follows:

Sec. 8. *Be it further ordained*, That this ordinance shall not be so construed as to prevent the collection of interest due, or to become due upon purchases of school lands, known as sixteenth sections, or of interest due, or to become due upon money loaned and belonging to the school funds of the various townships of this state, or of interest on debts due to minors; but the same may be collected in the manner now prescribed by law; and it is further provided that nothing in this ordinance shall be so construed as to prevent the collection of taxes.

Which was adopted.

Mr. Watkins offered the following as an additional section:

Sec. 10. The time during which this ordinance is in force, shall not be computed in any case where the statute of limitation comes in question.

Which was adopted.

Mr. Johnson offered the following as an additional section:

Sec. 9. This ordinance shall repeal and render null and void the ordinance passed by this convention on the 20th day of May, entitled "an ordinance concerning sales by sheriffs and constables for the collection of debts."

Which was adopted.

Mr. Watkins offered the following as an additional section:

Sec. 11. This ordinance shall not apply to any liabilities upon the part of public officers and their securities for them, either to the state, counties or individuals, nor to interest on debts due to the state.

Which was adopted.

Mr. Robinson moved to amend by adding:

"Neither negroes, horses, mules, cattle nor hogs, shall be deemed perishable property under this ordinance."

Which, on motion of Mr. Kennard, was laid on the table.

Mr. Austin, on leave, introduced the following

RESOLUTION:

Be it resolved, That no delegate to this convention shall be allowed the privilege of explaining his vote except in writing, which shall be entered upon the journals of this convention.

Which was adopted.

Mr. Gould offered the following amendment to the ordinance as an additional section:

Be it further ordained, That it shall be the duty of the officer levying an execution, to levy on property as near the amount of the judgment as possible, if the defendant has such property.

Which, on motion of Mr. Gould, was adopted.

Mr. Cryer moved to adopt the ordinance as amended.

On which, Mr. Fishback called for the yeas and nays, which was sustained, ordered, and had with the following result:

YEAS—Messrs. Baber, Bussey, Carrigan, Clingman, Crensha, Cryer, Cypert, Dollarhide, Flanagin, Gould, Grace, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobson, Johnson, Lanier, Mayo, Patterson of Jackson, Ray, Rhodes, Shelton, Slemons, Smith, Smoote, Spivey, Totten of Arkansas, Wallace, Watkins and Yell—31.

NAYS—Messrs. Adams of Izard, Austin, Batson, Bolinger, Bush, Campbell, Cochran, Desha, Dinsmore, Dodson, Fishback, Floyd, Fort, Hobbs, Kelley, Kennard, Parks, Robinson, Stallings, Stillwell, Stirman, Stout, Turner, Walker and Mr. President—25.

Mr. Totten of Prairie, asked to be and was excused from voting.

The following explanation was placed on the secretary's table:

We vote "aye;" it is not such as we wish, but as it is the best we can get, considering the limited time we have before adjournment, deeming some kind of stay law necessary for the times.

A. W. HOBSON,
J. M. SMITH,
A. H. CARRIGAN,
G. P. SMOOTE,
J. N. CYPERT,

Mr. Hobbs also explained his vote.

So the ordinance, as amended, was adopted.

Mr. Carrigan introduced

ORDINANCE No. 81½.

Be it ordained by the people of the State of Arkansas in convention assembled, That the military board be, and they are hereby required to call major general James Yell into active service of the State, so that he may be enabled without delay to have an efficient volunteer force in the field, to repel an invasion now about to be made by Lincoln's forces upon the State of Arkansas, and to continue in service until superceded by sufficient force from the Confederate States, and so that he may be enabled through his commissary to make provisions for the supplies necessary to maintain said troops.

Mr. Cypert moved to amend by additional section; which, together with the ordinance, on motion of Mr. Watkins, was laid on the table.

Mr. Floyd offered the following

RESOLUTION:

Resolved, That the secretary of this convention is hereby required to send a certified copy of the ordinance adopting the permanent constitution of the Confederate States, to the secretary of state of the Confederate States at Richmond.

Which was adopted.

Mr. Patterson of Jackson, introduced

ORDINANCE No. 82.

AN ORDINANCE *to aid the Military Board, etc.*

Be and it is hereby ordained, That the military board of this state are hereby authorized, and they shall have the power to appoint all agents which shall be deemed necessary to carry into execution the powers heretofore conferred upon them, and that they shall have power and authority to compensate such agents for such service as may be rendered.

Which was read.

Mr. Carrigan moved to amend by adding the following additional section:

Be it further ordained, That the military board shall also be required to call the major general into active service before they shall appoint the above agents, and shall not interfere with the appointments of the major general.

Mr. Smith moved to lay the amendment on the table; on which, Mr. Cryer called for the yeas and nays, which was sustained, ordered and had with the following result:

YEAS—Messrs. Batson, Bolinger, Bush, Campbell, Clingman, Crenshaw, Cypert, Dinsmore, Fishback, Flanagin, Floyd, Grace, Hanly, Hill, Hilliard, Hobbs, Johnson, Kelley, Mayo, Murphy, Patterson of Jackson, Shelton, Smith, Stallings, Stillwell, Stirman, Stout, Totten of Arkansas, Turner, Watkins and Mr. President—31.

NAYS—Messrs. Adams of Izard, Austin, Baber, Carrigan, Cryer, Cochran, Desha, Dodson, Dollarhide, Fort, Hawkins of Ashley, Hawkins of Sevier, Kennard, Lanier, Parks, Ray, Rhodes, Robinson, Slemons, Smoote, Walker and Wallace—22.

Messrs. Totten of Prairie and Yell asked to be, and were excused from voting.

Mr. Stout filed the following explanation:

I vote to lay the ordinance on the table, because I voted for the ordinance to create the military board, and I am not prepared to say that the board is insufficient for the task imposed on them; I vote aye; I also voted for General Yell, and hope he will, when necessary, be called into service.

So the amendment was laid upon the table; and on motion, the ordinance was adopted.

Mr. Baber, from the committee on enrollments, made the following

REPORT:

Mr. President—

Your committee on enrollments have examined "an ordinance to postpone the time of the sales of the lands in the Fort Wayne reserve.

"An ordinance to provide for the relief of the families of volunteers in actual service in certain cases."

"An ordinance supplementary to an ordinance, entitled 'an ordinance to provide revenue for the State of Arkansas.'"

"An ordinance providing for special sessions of county courts."

"An ordinance to prevent aid and comfort being given to the enemy.

"An ordinance to require certain officers to pay certain moneys to the state."

"An ordinance to divide the State of Arkansas into congressional districts."

"An ordinance ratifying the permanent constitution of the people of the Confederate States of America," and have instructed me to report the same correctly enrolled.

BABER, *Chairman, pro tem.*

Which was received.

Mr. Hanly was called to the chair.

Mr. President introduced the following

ORDINANCE No. 83.

Be it ordained by the people of Arkansas in convention assembled, That the members of the military board be allowed henceforth remuneration at seven dollars per day, instead of five dollars as specified in the ordinance creating said board, and the auditor of the state is hereby authorized to issue warrants for the same.

Pending the discussion of which, on motion of Mr. Yell, the convention took a recess until 8 o'clock P. M.

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8 o'clock, P. M.

Convention met.

Roll called.

PRESENT:

Messrs. Adams of Izard, Austin, Baber, Batson, Bolinger, Bush, Campbell, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Desha, Dinsmore, Dodson, Dollarhide, Fishback, Flanagin, Floyd, Fort, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Johnson, Kelley, Kennard, Lanier, Mayo, Murphy, Parks, Patterson of Jackson, Ray, Robinson, Smith, Smoote, Spivey, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins, Yell and Mr. President—54.

Mr. Totten, of Arkansas, introduced

ORDINANCE No. 84.

AN ORDINANCE *for the benefit of Arkansas county.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the present boundaries of the county of Arkansas shall never be reduced below the present limits, unless it shall be by the consent of a majority of the qualified voters of said county, expressed at a regular election.

Which was read and adopted.

Mr. Patterson, of Jackson, introduced

ORDINANCE No. 85.

AN ORDINANCE *To authorize the people of the county of Jackson to create a new county out of its present limits.*

SEC. 1. *Be it and it is hereby ordained by the people of the State of Arkansas in convention assembled:* That it shall be lawful for the people of the county of Jackson, in the State of Arkansas; at any time hereafter, when they may see proper to do so, to create a new county out of, and within the present limits of said county, including any other territory that may hereafter be acquired by said county.

SEC. 2. Before any new county shall be constituted, it shall be determined by a majority of the voters of said county, to be taken under orders of the several county courts of said county.

SEC. 3. If it shall be determined by such vote that a new county may be established, then it shall be lawful for said county, by order of the several county courts therein, to elect five commissioners, who shall have full power and authority to define the boundaries of such new county, which election shall be governed by the same rules and regulations now provided by law for holding the general elections of the state.

Sec. 4. Such new county, when so established, shall be entitled to the same representation in the General Assembly of this state, as other counties are now entitled to, according to the ratio of representation now existing, and be subject to any changes that may hereafter be made by the General Assembly.

Sec. 5. After such new county shall be established, as hereinbefore provided, the qualified voters of said new county may elect three commissioners, who shall have full power to locate a permanent county seat, of said new county, and to do all other acts which may be necessary to be done to a complete organization of such new county. *Provided*, That said election may be conducted, in all things, according to the law of holding general elections in this state.

Sec. 6. This ordinance shall be in force from and after its adoption, and all laws by way of ordinance, or otherwise, in conflict herewith, shall be null and void.

Which was read and adopted.

Mr. Parks offered the following

RESOLUTION:

Resolved, That when this convention of patriotic delegates finally adjourn, that they organize themselves into a company of cavalry and proceed to elect their officers, and march to the western frontier of our state, to meet the enemy in battle.

Mr. Watkins moved to lay the resolution on the table. On which motion Mr. Desha called for the yeas and nays.

Which was sustained, ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Carrigan, Clingman, Crenshaw, Cryer, Cypert, Cochran, Dodson, Dollarhide, Flanagin, Floyd, Grace, Hanly, Hilliard, Kelley, Kennard, Mayo, Murphy, Ray, Smoote, Spivey, Stout, Tottenof Prairie Watkins and Mr. President—25.

Nays—Messrs. Austin, Baber, Batson, Bolinger, Bush, Campbell, Desha, Fort, Hawkins of Ashley, Hawkins of sevier, Hill, Hobbs, Johnson, Parks, Patterson of Jackson, Robinson, Shelton, Smith, Stillwell, Stirman, Totten of Arkansas, Turner, Walker, Wallace and Yell—25.

So the motion to lay on the table was lost.

Messrs. Carrigan and Cypert presented the following explanation of their votes.

We vote to lay the resolution on the table, for the reason that we fear if it be adopted we may never adjourn, or that we would all wish to be officers.

Mr. Parks then withdrew his resolution.

Mr. Grace introduced

ORDINANCE No. 86.

An Ordinance *To provide for filling certain vacancies.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That in the event a vacancy should occur, by death, resignation, or otherwise, in the offices of brigadier-general or major-general, created by the ordinances of this convention, it shall be the duty of the military board to fill such vacancy, and this ordinance shall be in force from and after its adoption.

Which was read and adopted.

Mr. Adams, of Izard, introduced

ORDINANCE No. 87.

An Ordinance *In relation to the army and militia of the State of Arkansas.*

Be it ordained by the people of the State of Arkansas in convention assembled, That, that portion of the militia and army of Arkansas, now, or hereafter called into actual service, shall be subject to the rules, regulations and articles of war of the Confederate States, except so far as they are in conflict with the ordinances of this convention.

Which was read and adopted.

Mr. Smoote introduced

ORDINANCE No. 88

An Ordinance *for the relief of Richard H. Thompson, as sheriff and collector of the county of Jefferson; James C. Drennen, as sheriff and collector of the county of Columbia; James Norris, as the sheriff and collector of the county of Ashley; Robert Sewel, as sheriff and collector of the county of Union; and W. A. Alexander, as sheriff and collector of the county of Hempstead.*

Whereas, Richard H. Thompson, as sheriff and collector of the county of Jefferson; James C. Drennen, as sheriff and collector of the county of Columbia; James Norris, as the sheriff and collector of the county of Ashley; Robert Sewel, as the sheriff and collector of the county of Union; and W. A. Alexander, as sheriff and collector of the county of Hempstead; have not, as yet, fully paid into the treasury of the State of Arkansas, the taxes due from said counties to the State of Arkansas for the year 1860, as they were required to do by law; *And whereas*, This convention is satisfied that said default so made by the said sheriffs and collectors above named, respectively, was not so made with any view of defrauding the state, but was caused by the stringency of the times and the existence of the present war; therefore,

Be it ordained by the people of the State of Arkansas in convention assembled, That the governor of the State of Arkansas is hereby authorized, empowered and instructed to release such of the above named sheriffs and collectors from the penalty now prescribed against them by law for such default, who shall, within sixty days from the adoption of this ordinance, pay into the state treasury the full amount of the taxes due from the said counties of Jefferson, Columbia, Ashley, Union and Hempstead, respectively, for the year 1860, and produce to the governor the legal vouchers of such payments; *Provided*, That neither of the said sheriffs and collectors, who shall fail to pay the full amount of taxes due to the state from the county of which he is sheriff and collector, as aforesaid, for the year 1860, into the state treasury within sixty days from the date of the adoption of this ordinance, shall be, nor shall either of his securities be, in any wise, released by this ordinance, or by any authority given under this ordinance, from any penalty which has or may accrue against him on account of such default or otherwise.

Which was read and adopted.

Mr. Cryer offered the following

RESOLUTION:

Resolved, That at the hour of six o'clock p. m., of Monday, the third day of June, 1861, this convention stand adjourned, subject to be convened by proclamation of the president, or the military board, or governor, and unless convened on or before the first day of January, 1862, it shall stand adjourned without day.

Mr. Patterson, of Jackson, moved to amend by striking out all after the word "adjourned," and insert "*sine die*."

On the adoption of which Mr. Patterson called for the yeas and nays, which was sustained, ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Batson, Bolinger, Campbell, Clingman, Cypert, Dinsmore, Dodson, Dollarhide, Flanagin, Floyd, Grace, Hawkins of Ashley, Hawkins of Sevier, Hill, Hobbs, Mayo, Patterson of Jackson, Ray, Shelton, Slemons, Spivey, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Yell and Mr. President—28.

Nays—Messrs. Austin, Baber, Bush, Carrigan, Crenshaw, Cryer, Cochran, Desha, Fishback, Fort, Gould, Hanly, Hilliard, Hobson, Johnson, Kelley, Kennard, Murphy, Parks, Robinson, Smith, Smoote, Stallings, Stillwell, Stirman, Turner, Walker, Wallace and Watkins—29.

So the amendment was not adopted.

Mr. Hanly introduced

ORDINANCE No. 89.

An Ordinance *Concerning revenue.*

Be it ordained by the people of the State of Arkansas, in convention assembled:

Section 1. That the collectors of the public revenue shall not receive from any person more than two-thirds of the tax, or revenue, due from such person to the state, in state bonds, coupons or treasury warrants. And the other third part of the taxes, or revenue due from such person, shall, in every instance, be paid in coin, notwithstanding such person may have in his possession, and tender in payment, bonds, coupons or scrip; *Provided*, That tax-payers shall have the right to pay the amount required to be paid in coin, in over-due coupons that may be redeemable for the year that the taxes are due.

Mr. Johnson offered the following amendment:

Be it further ordained, That every sheriff, or other collector of taxes for the State of Arkansas, who has not paid into the state treasury the revenue due the state for the year 1860, from the county for which he is collector, shall collect and pay the same, or such part thereof as remains unpaid, into the treasury in coin.

Which was accepted.

Mr. Desha moved to lay the ordinance upon the table, and called for the yeas and nays; which call being sustained was ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Batson, Bolinger, Bush, Campbell, Carrigan, Cypert, Cochran, Desha, Dinsmore, Dodson, Fishback, Floyd, Fort, Gould, Hawkins of Ashley, Hobbs, Murphy, Parks, Ray, Robinson, Shelton, Stillwell, Stout and Turner—25.

Nays—Messrs. Clingman, Crenshaw, Cryer, Dollarhide, Flanagin, Grace, Hanly, Hawkins of Sevier, Hill, Hilliard, Johnson, Kelley, Kennard, Mayo, Patterson of Jackson, Slemons, Smith, Smoote, Stirman, Tatum, Totten of Arkansas, Totten of Prairie, Walker, Wallace Watkins, Yell and Mr. Presi dent—27.

So the ordinance was not laid on the table.

Mr. Robinson moved to amend by adding "the specie collected by the operation of this ordinance shall be set apart to pay the soldiers called into the army of the state, until they are paid off."

Mr. Smoote moved to lay the amendment upon the table, on which motion Mr. Robinson called for the yeas and nays, which call was sustained, ordered and had with the following result:

Yeas—Messrs. Adams of Izard, Austin, Batson, Bush, Clingman, Crenshaw, Cryer, Cypert, Dollarhide, Fishback, Flanagin, Gould, Grace, Hanly, Hawkins of Ashley, Hawkins of Sevier, Hill, Hilliard, Hobbs, Johnson, Kelley, Kennard, Mayo, Patterson of Jackson, Slemons, Smith, Smoote, Spivey, Stallings, Stillwell, Stirman, Stout, Tatum, Totten of Arkansas, Totten of Prairie, Turner, Walker, Wallace, Watkins and Yell—38.

Nays—Messrs. Bolinger, Campbell, Carrigan, Desha, Dinsmore, Floyd, Murphy, Parks, Ray and Robinson—10.

So the amendment was laid upon the table.

Mr. Dollarhide introduced

ORDINANCE No. 90.

An Ordinance *Authorizing the judges of the county courts throughout the state to receive resignations of members of this convention, and order elections for filling the vacancies occasioned by such resignations.*

Be it ordained by the people of the State of Arkansas, in convention assembled, That the several presiding judges of the county courts throughout the state, be, and they are hereby authorized and empowered to receive the resignations of members of this convention, and on receipt of such resignations to order elections to fill the vacancies occasioned by such resignations, and to order elections to fill all vacancies occasioned by death, removal or other cause.

Which was read and adopted.

Mr. Carrigan offered the following

RESOLUTION:

Resolved, That the governor of the State of Arkansas be, and he is hereby requested to convene the legislature of the State of Arkansas, on some day previous to the 22d of February next, to take into consideration the time and place of holding elections for senators to represent the State of Arkansas, under the permanent government of the Confederate States of America.

Which, on motion of Mr. Stillwell, was laid on the table.

Mr. Walker introduced

ORDINANCE No. 91.

AN ORDINANCE *attaching a part of the county of Sebastian to the counties of Scott and Polk.*

Be it ordained by the people of the State of Arkansas in convention assembled:

SECTION 1. That all that part of Sebastian county lying south of the Porteau mountain, and taken from the county of Scott for the purpose of creating the county of Sebastian, be, and is hereby attached to and made a part of the county of Scott.

SEC. 2. *Be it further ordained*, That all that part of Polk county which was taken by an act of the General Assembly in the creation of Sebastian county be, and is hereby attached to and made a part of said county of Polk.

SEC 3. *Be it further ordained*, That nothing in this ordinance shall be so construed as to effect any suit now pending in any court of justice, or the collection of revenue in the counties herein named.

SEC. 4. *Be it further ordained*, That this ordinance shall be in force from its adoption.

Which was read and adopted.

Mr. Cypert introduced

ORDINANCE No. 92.

AN ORDINANCE *in relation to the chief justice of the supreme court.*

Be it ordained by the people of the State of Arkansas in convention assembled, That that portion of the constitution adopted by this convention, providing that the judge of the supreme court, holding under the oldest commission, should be chief justice, shall not be so construed as to change the relations of the present incumbents, during their present terms of office.

Which was read and adopted.

Mr. Kennard offered the following

RESOLUTION:

Resolved, That the secretary of this convention be required to have five thousand copies of the ordinances and resolutions adopted and passed by this convention, printed; and that such copies, together with the journals heretofore ordered to be printed, be distributed as the secretary was ordered to distribute the journals at the last session of this convention.

Which was read and adopted.

Mr. Cypert offered the following

RESOLUTION:

Resolved, That the secretary of this convention, and the chief justice of the state, are hereby empowered to compare the enrolled copy of the constitution, and attach the sheet to the same signed by the members of this convention, and the same shall be as valid as if signed in open convention.

Which was adopted.

Mr. Batson introduced

ORDINANCE No. 93.

AN ORDINANCE *supplementary to an ordinance entitled "an ordinance to authorize the people of the county of Jackson to create a new county out of its present limits."*

Be it ordained by the people of the State of Arkansas in convenvention assembled, That the provisions of the ordinance entitled "an ordinance to authorize the people of the county of Jackson to create a new county out of its present limits," shall apply to the people of the counties of Johnson, Lafayette and Sevier counties.

Which was read and adopted.

Mr. Yell introduced

ORDINANCE NO. 94.

AN ORDINANCE *appropriating a sum of money.*

Be it ordained by the people of the State of Arkansas in convention assembled, That the sum of five thousand dollars be, and the same is hereby appropriated to Gen. Thomas H. Bradley, out of any money now in the treasury, it being for money advanced to Gen. James Yell, for the Arkansas troops opposite Memphis, if he has not retained such sum so advanced, out of the ten thousand dollars heretofore appropriated; if he has, the said five thousand dollars shall be placed in the military chest of the second division of Arkansas volunteers.

Which was read and adopted.

Mr. President appointed Messrs. Stillwell and Dinsmore additional members of the committee on enrollments.

Mr. Flanagin introduced

ORDINANCE No. 95.

AN ORDINANCE *in relation to proceedings pending in the courts of the United States.*

Be it ordained by the people of the State of Arkansas in convention assembled, That all proceedings pending in the late courts of the United States, in this state, shall be transferred to the courts of the Confederate States in the same manner as though the proceedings had been commenced in the said courts of the Confederate States, and said courts shall have power to determine and dispose of said proceedings, and enforce the judgments and decrees rendered in said United States courts.

Be it further ordained, That cases pending in the supreme court of the United States, from this state, if they shall be hereafter determined, the adjudication shall be enforced.

Which was read and adopted.

Mr. Mayo introduced

ORDINANCE No. 96.

AN ORDINANCE *to restore in part the militia law of this state.*

SECTION 1. *Be it ordained by the people of the State of Arkansas in convention assembled*, That the ordinance passed by this convention; entitled " an ordinance to suspend the operation of an act of the General Assembly, entitled ' an act amendatory of the militia laws of Arkansas,' approved the 21st of January, 1861," be, and the same is hereby repealed.

SEC. 2. *Be it further ordained*, That the act of the General

Assembly, mentioned in the first section of this ordinance, be, and the same is hereby declared to be in full force and effect; *Provided*, That nothing in said act of the General Assembly, or this ordinance, shall be so construed as to authorize militia officers or privates to draw any pay from the treasury of this state, unless such officers or privates shall have been called into the actual service of this state by order of the military board, nor shall any money be paid out of the treasury under the act aforesaid, except by order of the military board.

Which was read and adopted.

Mr. Patterson of Jackson, offered the following

RESOLUTION:

Resolved, That the thanks of this convention be, and are hereby tendered the president of the convention, for the able and impartial manner in which he has presided over the deliberations of this body.

Which was adopted.

Mr. Grace tendered his resignation as a delegate to this contion from the county of Jefferson, giving as his reason, that the resolution to adjourn *sine die* was not adopted; said resignation to take effect Monday morning; which was accepted.

Messrs. Patterson of Jackson, Totten of Arkansas, Totten of Prairie, Adams of Izard and Robinson, severally tendered their resignations as delegates to this convention from their respective counties; which were accepted.

Mr. President Walker, in a few brief and appropriate remarks, also tendered his resignation as president and member of this convention.

Which was accepted, and the convention proceeded to elect a successor to President Walker.

Mr. Desha nominated the Hon. George C. Watkins.

There being no other nomination, Mr. Watkins was declared duly elected, by acclamation, president of this convention.

Mr. Kennard, from the committee on enrollments, made the following

REPORT:

Mr. President—

The committee on enrollments have examined the enrollments of

An ordinance for the relief of Richard H. Thompson, as sheriff and collector of the county of Jefferson; James C. Drennen, as sheriff and collector of the county of Columbia; James Norris, as sheriff and collector of the county of Ashley; Robert Sewel, as sheriff and collector of the county of Union; and W. A. Alexander, as sheriff and collector of the county of Hempstead.

An ordinance to authorize the people of Jackson county to create a new county out of its present limits.

An ordinance supplementary to an ordinance entitled "an ordinance to authorize the people of the county of Jackson to create a new county out of its present limits."

An ordinance authorizing the judges of the county courts throughout the state to receive resignations of members of this convention, and order elections for filling the vacancies occasioned by such resignations.

An ordinance for the benefit of Arkansas county.

An ordinance concerning revenue.

An ordinance in relation to the army and militia of the State of Arkansas.

An ordinance to provide for filling certain vacancies.

An ordinance to restore in part the militia law of this state.

An ordinance attaching a part of the county of Sebastian to the counties of Scott and Polk.

An ordinance in relation to proceedings pending in the courts of the United States.

An ordinance in relation to the chief justice of the supreme court.

An ordinance to aid the military board.

And an ordinance appropriating a sum money; and have instructed me to report the same correctly enrolled.

In closing their labors, the committee unanimously instruct me to say they desire to bear testimony to the able manner in which our enrolling secretary, Mr. J. W. Woodward, has discharged the arduous duties of his office, and the promptness with which those duties were fulfilled. The intercourse of the committee has been a pleasant one, and will afford a pleasing remembrance to those concerned.

All of which is respectfully submitted.

M. SHELBY KENNARD,
Chairman, pro tem.

Which report was received.

Mr. Johnson offered the following

RESOLUTION:

Resolved, That the thanks of this convention are due and tendered to E. C. Boudinot, secretary of this convention, John

P. Jones, assistant secretary, and J. W. Woodward, enrolling secretary, for the prompt, courteous and able manner in which they have discharged their duties.

Which was adopted.

On motion of Mr. Stillwell, the thanks of the convention were also tendered to Wm. Hammond, for the efficient manner in which he discharged the duties of door-keeper.

On motion of Mr. Yell, the convention adjourned until Monday morning 8 o'clock.

GEO. C. WATKINS,
President.

Monday, *June 3d*, 1861.

Convention met pursuant to adjournment

The journal of Saturday was read, approved and signed.

There being no quorum present, on motion of Mr. Stillwell, the convention adjourned, subject to be reconvened at the call of the president, military board, or governor, in accordance with the resolution of Mr. Cryer passed Saturday.

GEO. C. WATKINS,
President.

WEDNESDAY, *June* 5, 1861.

In accordance with a resolution adopted by the convention of the State of Arkansas, on the 1st day of June, A. D. 1861, the chief justice of the supreme court, and the secretary of said convention, on this day examined and compared the original copy of the constitution of the State of Arkansas with the enrolled copy thereof, attached the sheet containing the signatures of the delegates, and appended thereto the following certificate:

STATE OF ARKANSAS, }SCT.

By virtue of a resolution of the State Convention of Arkansas, we, Elbert H. English, chief justice of the supreme court of the State of Arkansas, and Elias C. Boudinot, secretary of the convention of the State of Arkansas, have carefully compared the foregoing eight pages of the enrollment of the constitution of the State of Arkansas with the original copy of the same, as it passed and was adopted by said convention, and as directed by the resolution aforesaid, adopted by said convention, and having found the same correctly enrolled, do so certify and have attached these signatures thereto.

Given under our hands this 5th day of June, A. D. 1861.

E. H. ENGLISH,
E. C. BOUDINOT.

LITTLE ROCK, *August 28th, A. D.* 1861.

I hereby certify that the foregoing is a true copy of the journals of the convention of the State of Arkansas, which assembled at the capital, on Monday, March 4th, 1861, adjourned on the 21st day of March, A. D. 1861, and was reconvened by proclamation of the president, on Monday, May 6th, A. D. 1861.

E. C. BOUDINOT,
Secretary of Convention.

APPENDIX.

No. 1.

STATE OF ARKANSAS,
EXECUTIVE DEPARTMENT,
Little Rock, Jan. 28, 1861.

CAPTAIN TOTTEN:

Sir—The public exigencies require me to make known to you, that the United States arsenal at this place will be permitted to remain in the possession of federal officers, until the state, by authority of the people, shall have determined to sever their connection with the general government, unless, however, it should be thought proper to order additional forces to this point.

Or, on the other hand, an attempt should be made to remove or destroy the munitions of war deposited in said arsenal.

Any assurance that you may be able to give, touching the observance of these two latter conditions, will greatly tend to quiet the public mind, and prevent a collision between the sovereign people of Arkansas and the government troops now stationed at this point.

Respectfully,
HENRY M. RECTOR,
Commander-in-chief Arkansas Militia.

No. 2.

Head Quarters, Little Rock Arsenal,
Little Rock, Arkansas,
January 29th, 1861.

Sir: I have to acknowledge the receipt of your communication of the 28th instant, which was handed to me this morning by your aid-de-camp, J. J. Gaines, esq., and, in answer thereto, to say to your excellency, that my understanding leads me to believe that the troops under my command were ordered here at the request of some of the members of Congress from this state, and several good citizens also,—for what reason, if any, I have not heen apprised.

As you will readily understand, I cannot give your excellency any assurances as to what instructions may, in future, be issued regarding this arsenal, and the federal troops now stationed here; but I can assure you that, so far as I am informed, no orders, such as you refer to, in your two propositions, have been issued, nor do I believe, privately and unofficially, that any such orders will be given by the federal government.

I have, furthermore, to remind your excellency that, as an officer of the army of the United States, my allegiance is due to that government in whose service I am, and that I act by its *authority* and *permission*, and, until absolved from that allegiance, my honor is concerned in the faithful performance of what I may conceive to be my duty.

I shall forward your communication to the secretary of war, to be laid before the president of the United States, and ask instructions relative to the matters contained in it, and if not prohibited by these authorities, I will cheerfully inform your excellency what these instructions are.

In the meantime, let me say, in conclusion, that I most cordially concur with your excellency in the desire to avoid collision between the federal troops under my command, and the citizens of Arkansas, and shall do every thing in my power, which an honorable man in my position can, or dare do, to prevent so deplorable an event.

I am, respectfully,
JAS. TOTTEN, *2d Artl'y*
U. S. Army, commanding Little Rock Arsenal.

To his excellency, Henry M. Rector,
Governor of Arkansas, and
Commander-in-chief A. M.

No. 3.

EXECUTIVE OFFICE, *Little Rock, Ark.*,
6th February, 1861.

Capt. TOTTEN, *Commanding*
U. S. Arsenal, Little Rock, Arkansas:

SIR—There is now in this city a considerable number of the citizens of this state, who have come here under arms, with the avowed purpose of taking possession of the U. S. arsenal. Reliable information has been received that a large force of citizens are on the march to this place for the same purpose. This movement is prompted by the feeling that pervades the citizens of this state, that, in the present emergency, the arms and munitions of war in the arsenal should be under the control of the state authorities, in order to their security. This movement, although not authorized by me, has assumed such an aspect that it becomes my duty, as the executive of this state, to interpose my official authority to prevent a collision between the people of the state and the federal troops under your command.

I, therefore, demand, in the name of the state, the delivery of the possession of the arsenal and munitions of war under your charge, to the state authorities, to be held until the 4th of March next. This course is the only one which can possibly prevent the effusion of blood and the destruction of the property of the citizens and of the government. I beg leave to assure you that the step which the citizens have seen fit to take, is not prompted by any personal distrust of you, but the jealousy which naturally exists towards the authority of the United States, under the present unhappy condition of the country.

This communication will be handed to you by T. D. Merrick, major-general of 1st division of the Arkansas militia, who will call on you personally, accompanied by his staff, and who will receive from you your response.

Respectfully, your ob't serv't,

[Signed.] HENRY M. RECTOR,
Governor of Arkansas.

No. 4.

LITTLE ROCK ARSENAL, *Little Rock, Ark.*,
February 6th, 1861.

To his excellency, HENRY M. RECTOR,
Governor of Arkansas:

SIR—In the present trying circumstances by which the undersigned finds himself surrounded, as a federal officer, he is anxious to learn, officially, from your excellency, before answering your demand for the surrender of the United States arsenal at this place, the following important points, viz:

1st. If the arsenal and all the munitions of war stored therein are left intact, as at the hour of 3 o'clock, p. m., to-morrow, by the United States forces, now in charge of them, will the governor of the State of Arkansas officially take charge of said arsenal and munitions of war, in the name of the United States government, and hold them in that light, until future circumstances shall legally absolve him from the responsibility?

2d. If the United States forces now garrisoning Little Rock arsenal, evacuate said post and leave the munitions of war intact as at the hour of 3 o'clock, p. m., to-morrow, will the governor of the State of Arkansas officially guarantee to said forces an unmolested passage through the state, in any direction the officer commanding said troops may elect, and guarantee, moreover, to said forces the right of carrying with them all the public and private property they brought with them to said arsenal, all which has been purchased for or by them, and all which has been sent to them since stationed at said arsenal, consisting of ordnance and ordnance stores, clothing, camp and garrison equippage, and barrack and mess furniture, as also provisions and all their individual or private property.

3d. If the arsenal and munitions of war stored therein are left intact, as at the hour of 3 o'clock p. m., to-morrow, will the governor of Arkansas, in his official capacity, guarantee to the United States forces, now in charge thereof the right of marching away from said place with all the honor due to them as federal officers and soldiers, who do not surrender their trust, but simply evacuate a post for want of instructions from their superiors in office, and in doubt as to the propriety of bringing on civil war among their fellow-countrymen?

Explicit and detailed answers to each and every one of these questions will have great influence upon the undersigned in his answer to the communication of the governor of Arkansas, which is promised by 3 o'clock, p. m., to-morrow.

I am, very respectfully,
JAS. TOTTEN,
Capt. 2d Artillery, commanding post.

No. 5.

EXECUTIVE OFFICE, *Little Rock, Ark.*,
February 7th, 1861.

To Capt. JAMES TOTTEN, *in charge of*
U. S. Arsenal, Litte Rock, Ark:

SIR—Your communication of the 6th inst., (yesterday) propounding to myself certain propositions, explicit and detailed answers to which would have great influence upon you in your answer promised the governor of Arkansas by 3 p. m., to-day, was received at about 11 o'clock, this morning.

After mature reflection, I propose to accept your first, second and third propositions, with the following understanding: That, being informed your command brought no cannon with you—so none are to be taken away—you shall have a safe passage out of the state, in any direction you may please, with your command; *Provided, however*, you do not station yourself within the limits of the State of Arkansas, or on the borders thereof. Whatever your command, either of public or private property, brought with them, you will be permitted to take away.

I have the honor to be,
very respectfully,
[Signed.] H. M. RECTOR.

LITTLE ROCK ARSENAL, *Little Rock, Ark.*,
February 7th, 1861.

To his excellency, H. M. RECTOR,
Governor of Arkansas:

SIR—Being entirely without instructions to meet the grave responsibilities so suddenly thrust upon me, and the solemn circumstances by which my command is now surrounded, and believing that the administration of the Federal Union would deprecate and condem any act of mine, which might bring on collision and blood-shed between the United States troops, under my command, and the citizens of the State of Arkansas, and, furthermore, believing that civil war would immediately, and inevitably, result throughout the country, from the effusion of blood at this point, or elsewhere in the United States, connected with the political topics of the day—I regret the necessity which forces me to retire from this arsenal with my command. It is, however, without the sanction of the United States government that I do this, and entirely results from my judgment and discretion, under existing circumstances, and for the reason above stated.

I have to acknowledge the recept of your excellency's communication of this date, and the lateness of the hour makes it necessary that this response be brief.

It is, however, understood that, in consideration of your excellency's guarantee, that the conditions demanded in my communication of yesterday, shall be complied with, certain amendments referred to in your letter of this date excepted. I shall retire from the arsenal on or before 12 o'clock, to-morrow, m.

Your excellency will please cause to be prepared, or permit me to to do so, the final papers embodying the conditions upon which I retire from this arsenal, as already understood between us, which is necessary for my protection with the federal government.

I am, very respectfully,

JAS. TOTTEN,

Capt. 2d Artillery commanding post.

No. 7.

EXECUTIVE OFFICE, *Little Rock, Ark.*,
7th February, 1861.

Capt. JAMES TOTTEN, *Commanding*
United States Arsenal, Little Rock:

SIR—I am in receipt of your communication of this instant, and announce that on to-morrow, at 11 o'clock, a. m., the executive, by conference with yourself, will prepare the stipulations agreed to, touching the United States arsenal under your command.

And, at 12 o'clock, he will receive from you that post, with the privilege, on your part, to remove any articles belonging to your command, at such time as you may find convenient.

Respectfully,

HENRY M. RECTOR,
Governor of Arkansas.

No. 8.

RESOLUTIONS OF LITTLE ROCK COUNCIL.

COUNCIL CHAMBER,
Little Rock, Arkansas,
Feb., 1861, at 3 o'clock, p. m.

Resolved, As the sense of this council, that if there be any impending danger, or necessity, which requires the seizure of the United States arsenal at this place, that in such case it would become the duty of the governor, as the executive head of this state, to order such seizure to be made, by the organized military power of the state; but, that any unauthorized attempt to seize the arsenal by persons, without orders from the governor, is an insult to his station and anthority, and deserves the reprehension of all our people, and is calculated to injure the cause of state rights; and we earnestly recommend the governor to interpose his authority to check any such movement, if unauthorized by him.

Resolved, That a copy of this resolution be immediately communicated to the governor, and a committee composed of the whole council, be appointed for that purpose; and that a committee of the whole council communicate with the leaders of this movvment.

Adopted in Council, 5th February, 1861.

C. P. BERTRAND,
Mayor pro tem.

A. J. SMITH,
City Recorder.

No. 9.

CITIZENS' MEETING OF LITTLE ROCK.

Whereas, Many good citizens of this state have come to Little Rock, in obedience to what they supposed to be the orders of the governor, to assist in taking the United States arsenal at this place; *And whereas*, The governor disavows such orders as being without his authority or sanction; therefore

Resolved, As the opinion of this meeting, that it is the duty of the governor to assume the responsibility of this movement, or to interpose his authority and influence to prevent it.

Resolved further, That in case there be, in the opinion of the governor, any danger or necessity for seizing the arsenal, we earnestly recommend him, as the only way to prevent the effusion of blood, to order the same to be done, in his official capacity, and in the name and by authority of the state, and to that end that he make an official demand upon the officer in charge of the arsenal, to surrender the same to the state authorities.

Resolved further, That in our opinion, the governor, as the executive head of the state, may rely upon the sympathy and co-operation of all good citizens, in what he may do by authority of the state and her organized military power.

On motion of Mr. Samuel W. Williams, the foregoing resolutions were unanimously adopted, and the chairman requested to appoint a committee of seven to wait upon the governor and communicate the same to him. Messrs. Geo. C. Watkins, W. B. Wait, C. P. Bertrand, A. J. Hutt, W. E. Woodruff, John Collins, and Dr. W. W. Adams, were appointed as such committe.

RICH'D. H. JOHNSON,
Chairman.

J. D. Kimbell, *Sec'y.*

No. 10.

STIPULATIONS BETWEEN GOV. H. M. RECTOR AND CAPT. TOTTEN.

LITTLE ROCK, ARKANSAS,
February 8th, 1861.

MEMORANDUM *this day made and signed by James Totten, Captain of 2d Artillery in the Army of the United States, and Henry M. Rector, Governor of the State of Arkansas.*

The paper marked A, signed by us, is the demand made by the Governor, upon Captain Totten, for the delivery of the United States arsenal at this place, to the state authorities. The paper marked B, signed by us, is a copy of the response of Captain Totten to that communication. The paper marked C, signed by us, is the response of the governor accepting, as therein stated, the terms of the paper B.

It is further witnessed, that on this day, at the hour of 12 M., said Captain Totten, with his command, doth retire from said arsenal, and delivers the same, with all its stores, arms, and ammunitions of war, intact, to the governor of Arkansas, pursuant to the tenor and purport of said papers, A. B and C, Nos. 1, 2 and 3.

And the said Capt. James Totten protests that he has thus acted, because in the presence of a greatly superior armed force, and which, he became satisfied, would soon become overwhelming by reinforcements in case of resistance, involving the sacrifice of his command, without regard to the probable loss of life on the part of the assailants.

Because any defence of the arsenal, in the city of Little Rock, whether successful or unsuccessful would necessarily involve, to a greater or less extent, the destruction of property in the city, and the loss of lives of the peaceful citizens and families dwelling therein.

Because, being without instructions from his government, he took, of necessity, the responsibility of doing what he thought proper and best under all the circumstances, desiring to avoid cause of civil war in this government, by the first instance of a hostile and bloody collision. Yet protesting for himself, and in the name of his government, against events beyond his control, and which have actuated him to this course.

Signed in duplicate.

HENRY M. RECTOR,
Governor of Arkansas.
JAS. TOTTEN, *Capt. 2d Art'y,*
Com. Little Rock Arsenal..

NOTE.—The following papers were presented to the convention by the commissioner from South Carolina, and referred to in his letter to the President of the Arkansas convention.

THE STATE OF SOUTH CAROLINA.

AT A CONVENTION OF THE PEOPLE OF THE STATE OF SOUTH CAROLINA, BEGUN AND HOLDEN AT COLUMBIA, ON THE SEVENTEENTH DAY OF DECEMBER, IN THE YEAR OF OUR LORD, ONE THOUSAND EIGHT HUNDRED AND SIXTY, AND THENCE CONTINUED BY ADJOURNMENT TO CHARLESTON, AND THERE BY DIVERS ADJOURNMENTS TO THE TWENTIETH DAY OF DECEMBER, IN THE SAME YEAR.

AN ORDINANCE *to dissolve the union between the State of South Carolina and other states united with her under the compact entitled "The Constitution of the United States of America."*

We, the people of the State of South Carolina, in Convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by us in convention, on the twenty-third day of May, in the year of our Lord, one thousand seven hundred and eighty-eight, whereby the Constitution of the United States of America was ratified; and, also, all acts and parts of acts of the General Assembly of this state, ratifying amendments of the said constitution, are hereby repealed; and that the uuion now subsisting between South Carolina and other states, under the name of "The United States of America," is hereby dissolved.

Done at Charleston the twentieth day of December, in the year of our Lord, one thousand eight hundred and sixty.

[SEAL.] Attest: B. F. ARTHUR, *Clerk.*

D. F. JAMISON, *President.*

DECLARATION OF THE IMMEDIATE CAUSES WHICH INDUCE AND JUSTIFY THE SECESSION OF SOUTH CAROLINA FROM THE FEDERAL UNION.

The people of the State of South Carolina, in convention assembled, on the 26th day of April, A. D. 1852, declared that the frequent violations of the constitution of the United States, by the federal government, and its encroachments upon the reserved rights of the states, fully justified this state in then withdrawing from the Federal Union; but in deference to the opinions and wishes of the other slaveholding states, she forbore at that time to exercise this right. Since that time, these encroachments have continued to increase, and further forbearance ceases to be a virtue.

And now the State of South Carolina having resumed her separate and equal place among nations, deems it due to herself, to the remaining United States of America, and to the nations of the world, that she should declare the immediate causes which have led to this act.

In the year 1765, that portion of the British Empire embracing Great Britain, undertook to make laws for the government of that portion composed of the thirteen American colonies. A struggle for the right of self-government ensued, which resulted on the 4th July, 1776, in a declaration by the colonies, "that they are, and of right ought to be, FREE AND INDEPENDENT STATES; and that as free and independent states, they have full power to levy war, conclude peace, contract alliances, establish commerce, and to do all other acts and things which independent states may of right do."

They further solemnly declared that whenever any "form of government becomes destructive of the ends for which it was established, it is the right of the people to alter or abolish it, and to institute a new government." Deeming the government of Great Britain to have become destructive of these ends, they declared that the colonies "are absolved from all allegiance to the British crown, and that all political connection between them and the State of Great Britain is, and ought to be totally dissolved."

In pursuance of this Declaration of Independence, each of the thirteen states proceeded to exercise its separate sovereignty;

adopted for itself a constitution, and appointed officers for the administration of government in all its departments—legislative, executive and judicial. For purposes of defence, they united their arms and their counsels; and in 1778 they entered into a league known as the articles of confederation, whereby they agreed to entrust the administration of their external relations to a common agent, known as the Congress of the United States, expressly declaring in the first article, "that each "state retains its sovereignty, freedom and independence, and "every power, jurisdiction and right which is not, by this con-"federation, expressly delegated to the United States in Con-"gress assembled."

Under this confederation the war of the revolution was carried on, and on the 3d September, 1783, the contest ended, and a definitive treaty was signed by Great Britain, in which she acknowledged the independence of the colonies in the following terms.

"*Article I.*—His Britanic Majesty acknowledges the said "United States, viz: New Hampshire, Massachusetts Bay, "Rhode Island and Providence Plantations, Connecticut, New "York, New Jersey, Pennsylvania, Delaware, Maryland, Vir-"ginia, North Carolina, South Carolina and Georgia, to be "FREE, SOVEREIGN AND INDEPENDENT STATES; that "he treats with them as such; and for himself, his heirs and "successors, relinquishes all claims to the government, propriety "and territorial rights of the same and every part thereof."

Thus were established the two great principles asserted by the colonies, namely: the right of a state to govern itself; and the right of a people to abolish a government when it becomes destructive of the ends for which it was instituted. And concurrent with the establishment of these principles, was the fact that each colony became, and was recognized by the mother country as a FREE, SOVEREIGN AND INDEPENDENT STATE.

In 1787, deputies were appointed by the states to revise the articles of confederation, and on 17th December, 1787, these deputies recommended, for the adoption of the states, the articles of union, known as the constitution of the United States.

The parties to whom this constitution was submitted, were the several sovereign states; they were to agree or disagree, and when nine of them agreed, the compact was to take effect among those concurring; and the general government, as the common agent, was then to be invested with their authority.

If only nine of the thirteen states had concurred, the other four would have remained as they then were—separate, sovereign states, independent of any of the provisions of the constitution. In fact, two of the states did not accede to the constitution until long after it had gone into operation among the other eleven; and during that interval, they each exercised the functions of an independent nation.

By this constitution, certain duties were imposed upon the several states, and the exercise of certain of their powers was restrained, which necessarily implied their continued existence as sovereign states. But to remove all doubt, an amendment was added, which declared that the powers not delegated to the United States by the constitution, nor prohibited by it to the states, are reserved to the states, respectively, or to the people. On 23d May, 1788, South Carolina, by a convention of her people, passed an ordinance assenting to this constitution, and afterwards altered her own constitution, to conform herself to the obligations she had undertaken.

Thus was established, by compact between the states, a government, with defined objects and powers, limited to the express words of the grant. This limitation left the whole remaining mass of power subject to the clause reserving it to the states or to the people, and rendered unnecessary any specification of reserved rights.

We hold that the government thus established is subject to the two great principles asserted in the Declaration of Independence; and we hold further, that the mode of its formation subjects it to a third fundamental principle, namely: the law of compact. We maintain that in every compact between two or more parties, the obligation is mutual; that the failure of one of the contracting parties to perform a material part of the agreement, entirely releases the obligation of the other; and that where no arbiter is provided, each party is remitted to his own judgment to determine the fact of failure, with all its consequences.

In the present case, the fact is established with certainty. We assert that fourteen of the states have deliberately refused for years past, to fnlfil their constitutional obligations, and we refer to their own statutes for the proof.

The constitution of the United States, in its 4th article, provides as follows:

> "No person held to service or labor, in one state, under the
> "laws thereof, escaping into another, shall, in consequence of
> "any law or regulation therein, be discharged from such ser-
> "vice or labor, but shall be delivered up on claim of the party
> "to whom such service or labor may be due."

This stipulation was so material to the compact, that without it that compact would not have been made. The greater number of the contracting parties held slaves, aad they had previously evinced their estimate of the value of such a stipulation by making it a condition in the ordinance for the government of the territory ceded by Virginia, which now composes the states north of the Ohio river.

The same article of the constitution stipulates also for rendition, by the several states, of fugitives from justice from the other states.

The general government, as the common agent, passed laws to carry into effect these stipulations of the states. For many years these laws were executed. But an increasing hostility on the part of the non-slaveholding states to the institution of slavery has led to a disregard of their obligations, and the laws of the general government have ceased to effect the objects of the constitution. The States of Maine, New Hampshire, Vermont, Massachusetts, Connecticut, Rhode Island, New York, Pennsylvania, Illinois, Indiana, Michigan, Wisconsin and Iowa, have enacted laws which either nullify the acts of Congress or render useless any attempt to execute them. In many of these states the fugitive is discharged from the service or labor claimed, and in none of them has the state government complied with the stipulation made in the constitution. The State of New Jersey, at an early day, passed a law in conformity with her constitutional obligation; but the current of anti-slavery feeling has led her more recently to enact laws which render inoperative the remedies provided by her own law and by the laws of Congress. In the State of New York even the right of transit for a slave has been denied by her tribunals; and the States of Ohio and Iowa have refused to surrender to justice fugitives charged with murder, and with inciting servile insurrection in the State of Virginia. Thus the constitutional compact has been deliberately broken and disregarded by the non-slaveholding states, and the consequence follows that South Carolina is released from her obligation.

The ends for which this constitution was framed are declared by itself to be " to form a more perfect union, establish justice, " insure domestic tranquility, provide for the common defence, " promote the general welfare, and secure the blessings of liberty to ourselves and our posterity.

These ends it endeavored to accomplish by a federal government, in which each state was recognized as an equal, and had separate control over it own institutions. The right of property in slaves was recognized by giving to free persons distinct political rights, by giving them the right to represent, and burthening them with direct taxes for three-fifths of their slaves; by authorizing the importation of slaves for twenty years, and by stipulating for the rendition of fugitives from labor.

We affirm that these ends, for which this government was instituted, have been defeated, and the government itself has been made destructive of them by the action of the non-slaveholding states. Those states have assumed the right of deciding upon the propriety of our domestic institutions; and have denied the rights of property established in fifteen of the states and recognized by the constitution; they have denounced as sinful the institution of slavery; they have permitted the open establishment among them of societies, whose avowed object is to disturb the peace and to eloign the property of the citizens of other states. They have encourged and assisted thousands of our slaves to leave their homes. and those who remain have been incited by emissaries, books and pictures to servile insurrection.

For twenty-five years this agitation has been steadily increasing, until it has now secured to its aid the power of the common government. Observing the *forms* of the constitution, a sectional party has found within that article establishing the executive department, the means of subverting the constitution itself. A geographical line has been drawn across the Union, and all the states north of that line have united in the election of a man to the high office of President of the United States, whose opinions and purposes are hostile to slavery. He is to be entrusted with the administration of the common government, because he has declared that that "government cannot endure permanently; half slave, half free," and that the public mind must rest in the belief that slavery is in the course of ultimate extinction.

This sectional combination for the subversion of the constitution, has been aided in some of the states by elevating to citizenship, persons, who, by the supreme law of the land, are incapable of becoming citizens; and their votes have been used to inaugurate a new policy, hostile to the South, and destructive of its peace and safety.

On the 4th March next this party will take possession of the government. It has announced that the South shall be excluded from the common territory; that the judicial tribunals shall be made sectional, and that a war must be waged against slavery until it shall cease throughout the United States.

The guaranties of the constitution will then no longer exist; the equal rights of the states will be lost. The slaveholding states will no longer have the power of self government, or self-protection, and the federal government will have become their enemy.

Sectional interest and animosity will deepen the irritation, and all hope of remedy is rendered vain, by the fact that public opinion at the North has invested a great political error with the sanctions of a more erroneous religious belief.

We, therefore, the people of Soth Carolina, by our delegates, in convention assembled, appealing to the Supreme Judge of the world for the rectitude of our intentions, have solemnly declared that the union heretofore existing between this state and the other states of North America, is dissolved, and that the State of South Carolina has resumed her position among the nations of the world, as a separate and independent state, with full power to levy war, conclude peace, contract alliances, establish commerce, and do all other acts and things which independent states may of right do.

AN ORDINANCE

TO DISSOLVE THE UNION BETWEEN THE STATE OF SOUTH CAROLINA AND OTHER STATES UNITED WITH HER UNDER THE COMPACT ENTITLED "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

We, the people of the State of South Carolina, in convention assembled, do declare and ordain, and it is hereby declared and ordained, That the ordinance adopted by us in convention, on the twenty-third day of May, in the year of our lord one thousand, seven hundred and eighty eight, whereby the constitution of the United States of America was ratified, and also, all acts and parts of acts of the General Assembly of this state, ratifying amendments of the said constitution, are hereby repealed; and that the union now subsisting between South Carolina and other states, under the name of "The United States of America'" is hereby dissolved.

D. F. JAMISON, *Del. from Barnwell and Pres't Convention.*

Thos. Chiles Perrin,
Edw. Noble,
J. H. Wilson,
Thos. Thomson,
David Lewis Wardlaw,
John Alfred Calhoun,
John Izard Middleton,
Benjamin E. Sessions,
J. N. Whitner,
James L. Orr,
J. P, Reed,
R. F. Simpson,
W. Pinckney Shingler,
Peter P. Bonneau,
John P. Richardson,
John L. Manning,

Benjamin Franklin Mauldin,
Lewis Malone Ayer, jr.,
W. Peronneau Finley,
J. J. Brabham,
Benj. W. Lawton,
Jno. McKee,
Thomas W. Moore,
Richard Woods,
A. Q. Dunovant,
John A. Inglis,
Henry McIver,
Stephen Jackson,
H. I. Caughman,
John C. Geiger,
Paul Quattlebaum,
W. B. Rowell,

John J. Ingram,
Edgar W. Charles,
Julius A. Dargan,
Isaac D. Wilson,
John M. Timmons,
Francis Hugh Wardlaw,
R. G. M. Dunovant,
James Parsons Carroll,
Wm. Gregg,
Andrew J. Hammond,
James Tompkins,
James C. Smyly,
John Hugh Means,
William Strother Lyles,
Henry Campbell Davis,
Jno. Buchanan,
James C. Furman,
P. E. Duncan,
W. K. Easley,
James Harrison,
W. H. Campbell,
T. J. Withers,
James Chesnut, jr.,
Joseph Brevard Kershaw,
Thos. W. Beaty,
Wm. J. Ellis,
R. L. Crawford,
W. C. Cauthen,
D. P. Robinson,
H. C. Young,
H. W. Garlington,
John D. Williams,
W. D. Watts,
Thos. Weir,
Jos. Dan'l Pope,
C. P. Brown,
John M. Shingler,
Daniel DuPre,
A. Mazyck,
William Cain,
P. G. Snowden,
Geo. W. Seabrook,
John Jenkins,
R. J. Davant,
E. M. Seabrook,
John J. Wannamaker,
Elias B. Scott,
Joseph E. Jenkins,
Chesley D. Evans,
Wm. W. Harlee,
A. W. Bethea,
E. W. Goodwin,
William D. Johnson,
Alex. McLeod,
John P. Kinard,
Robert Moorman,
Joseph Caldwell,
Simeon Fair,
Thomas Worth Glover,
Lawrence M. Keitt,
Donald Rowe Barton,
Wm. Hunter,
Andrew F. Lewis,
Robert A. Thompson,
William S. Grisham,
John Maxwell,
Jno. E. Frampton,
W. Ferguson Hutson,
W. F. DeSaussure,
William Hopkins,
James H. Adams,
Maxcp Gregg,
John H. Kinsler,
Ephraim M. Clarke,
Alex. H. Brown,
E. S. P. Bellinger,
Meyrick E. Carn,
E. R. Henderson,
Peter Stokes,
Daniel Flud,
David C. Appleby,
R. W. Barnwell,
B. H. Rutledge,
Edward McCrady,
Francis J. Porcher,
T. L. Gourdin,
John S. Palmer,
John N. Nowell,
John S. O'Hear,
John G. Landrum,
B. B. Foster,
Benjamin F. Kilgore,
Jas. H. Carlisle,
Simpson Bobo,
Wm. Curtis,
H. D. Green,

Langdon Cheves,
George Rhodes,
A. G. Magrath,
Wm. Porcher Miles,
John Townsend,
Robert N. Gourdin,
H. W. Conner,
Theodore D. Wagner,
R. Barnwell Roett,
C. G. Memminger,
Gabriel Manigault,
John Julius Pringle Smith,
Isaac W. Hayne,
Jno. H. Honour,
Rich'd De Treville,
Thos. M. Hanckel,
A. W. Burnett,
Thos. Y. Simons,
L. W. Spratt,
Williams Middleton,
Matthew P. Moyes,
Thomas Reese English, sr.
Albertus Chambers Spain,
J. M. Gadberry,
J. S. Sims,
Wm. H. Gist,
James Jefferies,
Anthony W. Dozier,
John G. Pressley,
R. C. Logan,
Francis S. Parker,
Benj. Faneuil Dunkin,
Samuel Taylor Atkinson,
Alex. M. Forster,
Wm. Blackburn Wilson,
Robert T. Allison,
Samuel Rainey,
A. Baxter Springs,
A. I. Barron,
A. T. Darby,
F. D. Richardson.

Attest: BENJ. F. ARTHUR,
Clerk of the Convention.

THE ADDRESS OF THE PEOPLE OF SOUTH CAROLINA, ASSEMBLED IN CONVENTION, TO THE PEOPLE OF THE SLAVEHOLDING STATES OF THE UNITED STATES.

It is seventy-three years since the Union between the United States was made by the Constitution of the United States. During this time, their advance in wealth, prosperity and power, has been with scarcely a parallel in the history of the world. The great object of their Union, was defence against external aggressions; which object is now attained, from their mere progress in power. Thirty-one millions of people, with a commerce and navigation which explore every sea, and with agricultural productions which are necessary to every civilized people, command the friendship of the world. But unfortunately, our internal peace has not grown with our external prosperity. Discontent and contention have moved in the bosom of the Confederacy, for the last thirty-five years. During this time, South Carolina has twice called her people together in solemn convention, to take into consideration the aggressions and unconstitutional wrongs, perpetrated by the people of the North on the people of the South. These wrongs were submitted to by the people of the South, under the hope and expectation that they would be final. But such hope and expectation, have proved to be vain. Instead of producing forbearance, our acquiescence has only instigated to new forms of aggressions and outrage; and South Carolina having again assembled her people in convention, has this day dissolved her connexion with the states, constituting the United States.

The one great evil, from which all other evils have flowed, is the overthrow of the Constitution of the United States. The government of the United States is no longer the government of Confederated Republics, but of a consolidated democracy. It is no longer a free government, but a despotism. It is, in fact, such a government as Great Britain attempted to set over our fathers; and which was resisted and defeated by a seven years' struggle for independence.

The revolution of 1776, turned upon one great principle, self-government—and self-taxation, the criterion of self-government. Where the interests of two people united together under one government, are different, each must have the power to protect its interest by the organization of the government, or they cannot be free. The interests of Great Britain and of the Colonies, were different and antagonistic. Great Britain was desirous of carrying out the policy of all nations towards their colonies, of making them tributary to her wealth and power. She had vast and complicated relations with the whole world. Her policy towards her North American Colonies, was to identify them with her in all these complicated relations; and to make them bear, in common with the rest of the empire, the full burden of her obligations and necessities. She had a vast public debt; she had an European policy and an Asiatic policy, which had occasioned the accumulation of her public debt; and which kept her in continual wars. The North American Colonies saw their interests, political and commercial, sacrificed by such a policy. Their interests required that they should not be identified with the burdens and wars of the mother country. They had been settled under charters, which gave them self-government; at least so far as their property was concerned. They had taxed themselves, and had never been taxed by the government of Great Britain. To make them a part of a consolidated empire, the Parliament of Great Britain determined to assume the power of legislating for the colonies in all cases whatsoever. Our ancestors resisted the pretension. They refused to be a part of the consolidated government of Great Britain.

The southern states now stand exactly in the same position towards the northern states, that the colonies did towards Great Britain. The northern states, having the majority in Congress, claim the same power of omnipotence in legislation as the British parliament. "The General Welfare," is the only limit to the legislation of either; and the majority in Congress, as in the British parliament, are the sole judges of the expediency of the legislation, this "General Welfare" requires. Thus, the government of the United States has become a consolidated government; and the people of the southern states are compelled to meet the very despotism their fathers threw off in the revolution of 1776.

The consolidation of the government of Great Britain over the colonies, was attempted to be carried out by the taxes. The British parliament undertook to tax the colonies to promote British interests. Our fathers resisted this pretension. They claimed the right of self-taxation *through their colonial legislatures.* They were not represented in the British parliament, and, therefore, could not rightly be taxed by its legislation.—

The British government, however, offered them a representation in parliament; but it was not sufficient to enable them to protect themselves from the majority, and they refused the offer. Between taxation without any representation, and taxation without a representation adequate to protection, there was no difference. In neither case would the colonies tax themselves. Hence, they refused to pay the taxes laid by the British parliament.

And so with the southern states, towards the northern states, in the vital matter of taxation. They are in a minority in Congress. Their representation in Congress, is useless to protect them against unjust taxation; and they are taxed by the people of the North *for their benefit*, exactly as the people of Great Britain taxed our ancestors in the British parliament for their benefit. For the last forty years, the taxes laid by the Congress of the United States, have been laid with a view of subserving the interests of the North. The people of the South have been taxed by duties on imports, nor for revenue, but for an object inconsistent with revenue—to promote, by prohibitions, northern interests in the productions of their mines and manufactures.

There is another evil, in the condition of the southern towards the northern states, which our ancestors refused to bear towards Great Britain. Our ancestors not only taxed themselves, but all the taxes collected among them, were expended amongst them. Had they submitted to the pretensions of the British government, the taxes collected from them, would have been expended in other parts of the British empire. They were fuly aware of the effect of such a policy in impoverishing the people from whom taxes are collected, and in enriching those who receive the benefit of their expenditure. To prevent the evils of such a policy, was one of the motives which drove them on to revolution. Yet this British policy has been fully realized towards the southern states, by the northern states. The people of the southern states are not only taxed for the benefit of the northern states, but, after the taxes are collected, three-fourths of them are expended at the North. This cause, with others, connected with the operation of the general government, has made the cities of the South provincial. Their growth is paralyzed; they are mere suburbs of northern cities. The agricultural productions of the South are the basis of the foreign commerce of the United States; yet southern cities do not carry it on. Our foreign trade is almost annihilated. In 1740, there were five ship yards in South Carolina, to build ships to carry on our direct trade with Europe. Between 1740 and 1779, there were built in these yards, twenty five square rigged vessels, besides a great number of sloops and schooners, to carry on our coast and West India trade. In the half century immediately preceding the revolution, from 1725 to 1775, the population of South Carolina increased seven-fold.

No man can for a moment believe, that our ancestors intended to establish over their posterity, exactly the same sort of government they had overthrown. The great object of the constitution of the United States, in its internal operation, was, doubtless, to secure the great end of the revolution—a limited free government—a government limited to those matters only, which were general and common to all portions of the United States. All sectional or local interests, were to be left to the states. By no other arrangement would they obtain free government, by a constitution common to so vast a confederacy. Yet by a gradual and steady encroachments on the part of the people of the North, and acquiescence on the part of the South, the limitations in the constitution have been swept away; and the government of the United States has become consolidated, with a claim of limitless powers in its operations.

It is not at all surprising, such being the character of the government of the United States, that it should assume to possess power over all the institutions of the country. The agitations on the subject of slavery are the natural results of the consolidation of the government. Responsibility, follows power; and if the people of the North have the power by Congress "to promote the general welfare of the United States," by any means they deem expedient—why should they not assail and overthrow the institution of slavery in the South? They are responsible for its continuance or existence, in proportion to their power. A majority in Congress, according to their interested and perverted views, is omnipotent. The inducements to act upon the subject of slavery, under such circumstances, were so imperious as to amount almost to a moral necessity. To make, however, their numerical power available to rule the Union, the North must consolidate their power. It would not be united on any matter common to the whole Union—in other words, on any constitutional subject—for on such subjects divisions are as likely to exist in the North as in the South. Slavery was strictly a sectional interest. If this could be made the criterion of parties at the North, the North could be united in its power; and thus carry out its measures of sectional ambition, encroachment, and aggrandizement. To build up their sectional predominance in the Union, the constitution must be first abolished by constructions; but, that being done, the consolidation of the North to rule the South by the tariff and slavery issues, was in the obvious course of things.

The constitution of the United States, was an experiment. The experiment consisted in uniting, under one government, peoples living in different climates, and having different pursuits and institutions. It matters not how carefully the limitations of such a government be laid down in the constitution—its success must at least depend upon the good faith of the parties to the constitutional compact, in enforcing them. It is not in the power of human language, to exclude false inferences, constructions and perversions, in any constitution; and when vast sectional interests are to be subserved, involving the appropriation of countless millions of money, it has not been the usual experience of mankind, that words on parchments can arrest power. The constitution of the United States, irrespective of the interposition of the states, rested on the assumption that power would yield to faith—that integrity would be stronger than interest; and that thus, the limitations of the constitution would be observed. The experiment has been fairly made. The southern states, from the commencement of the government, have striven to keep it within the orbit prescribed by the constitution. The experiment has failed. The whole constitution, by the constructions of the northern people, has been absorbed by its preamble. In their reckless lust for power, they seem unable to comprehend that seeming paradox—that the more power is given to the general government, the weaker it becomes. Its strength consists in the limitation of its agency to objects of common interest to all sections. To extend the scope of its power over sectional or local interests, is to raise up against it opposition and resistance. In all such matters, the general government must necessarily be a despotism, because all sectional or local interests must ever be represented by a minority in the councils of the general government—having no power to protect itself against the rule of the majority. The majority, constituted from those who do not represent these sectional or local interests, will control and govern them. A free people cannot submit to such a government. And the more it enlarges the sphere of its power, the greater must be the dissatisfaction it must produce, and the weaker it must become. On the contrary, the more it abstains from usurped powers, and the more faithfully it adheres to the limitations of the constitution, the stronger it is made. The northern people have had neither the wisdom nor the faith to perceive that to observe the limitations of the constitution was the only way to its perpetuity.

Under such a government, there must, of course, be many and endless "irrepressible conflicts" between the two great sections of the Union. The same faithlessness which has abolished the constitution of the United States, will not fail to carry out the sectional purposes for which it has been abolished. There must be conflict; and the weaker section of the Union can only find peace and liberty, in an independence of the North. The repeated efforts made by South Carolina in a wise conservatism, to arrest the progress of the general government in its fatal progress to consolidation, have beec unsupported, and she has been denounced as faithless to the obligations of the constitution, by the very men and states who were destroying it by their usurpations. It is now too late to reform or restore the government of the United States. All confidence in the North is lost by the South. The faithlessness of the North for a half century, has opened a gulf of separation between the North and the South, which no promises nor engagements can fill.

It cannot be believed that our ancestors would have assented to any Union whatever with the people of the North, if the feelings and opinions now existing amongst them, had existed when, the constitution was framed. There was then no tariff—no fanaticism concerning negroes. It was the delegates from New England, who proposed, in the convention which framed the constitution, to the delegates from South Carolina and Georgia, that if they would agree to give Congress the power of regulating commerce *by a majority*, that they would support the extension of the African slave trade for twenty years. African slavery existed in all the states but one. The idea that the southern states would be made to pay that tribute to their northern confederates, which they had refused to pay to Great Britain, or that the institution of African slavery would be made the grand basis of a sectional organization of the North to rule the South, never crossed the imaginations of our ancestors. The union of the constitution was a union of slaveholding states. It rests on slavery by prescribing a representation in Congress for three-fifths of our slaves. There is nothing in the proceedings of the convention which framed the constitution to show that the southern states would have formed any other Union; and still less, that they would have formed a Union with more powerful non-slaveholding states, having majority in both branches of the legislature of the government. They were guilty of no such folly. Time and the progress of things have totally altered the relations between the northern and southern states, since the Union was established. That identity of feelings, interests and institutions, which once existed, is gone. They are now divided between agricultural and manufacturing and commercial states, between slaveholding and non-slaveholding states. Their institutions and industrial pursuits have made them totally different peoples. That equality in the government between the two sections of the Union which once existed, no longer exists. We but imitate the policy of our fathers in dissolving a union with non-slaveholding confederates, and seeking a confederation with slaveholding states.

Experience has proved that slaveholding states cannot be safe in subjection to non-slaveholding states. Indeed, no people can ever expect to preserve its rights and liberties, unless these be in its own custody. To plunder and oppress, where plunder and oppression can be practiced with impunity, seems to be the natural order of things. The fairest portions of the world elsewhere, have been turned into wildernesses; and the most civilized and prosperous communities have been impoverished and ruined by anti-slavery fanaticism. The people of the North have not left us in doubt as to their designs and policy. United as a section in the late presidential election, they have elected as the exponent of their policy, one who has openly declared that all the states of the United States, must be made *free states* or *slave states*. It is true, that amongst those who aided in his election, there are various shades of anti-slavery hostility. But if African slavery in the southern states be the evil their political combination affirms it to be, the requisitions of an inexorable logic must lead them to emancipation. If it is right to preclude or abolish slavery in a territory, why should it be allowed to remain in the states? The one is not at all more unconstitutional than the other, according to the decisions of the supreme court of the United States. And when it is considered that the northern states will soon have the power to make that court what they please, and that the constitution never has been any barrier whatever to their exercise of power, what check can there be in the unrestrained counsels of the North to emancipation? There is sympathy in association which carries men along without principle; but when there is principle, and that principle is fortified by long existing prejudices and feelings, association is omnipotent in party influences. In spite of all disclaimers and professions, there can be but one end by the submission of the South to the rule of a sectional, anti-slavery government at Washington; and that end, directly or indirectly, must be the emancipation of the slaves of the South. The hypocrisy of thirty years, the faithlessness of their whole course from the commencement of our union with them, show that the people of the non-slaveholding North, are not, and cannot be safe associates of the slaveholding South, under a common government. Not only their fanaticism, but their erroneous views of the principles of free governments, render it doubtful whether, if separated from the South, they can maintain a free government amongst themselves. Numbers with them is the great element of free government. A majority is infallible and omnipotent. "The right divine to rule in kings," is only transferred to their majority. The very object of all constitutions, in free popular government, is to restrain the majority. Constitutions, therefore, according to their theory, must be most unrighteous inventions, restricting liberty. None ought to exist; but the body politic ought simply to have a political organization, to bring out and enforce the will of the majority. This theory may be harmless in a small community, having identity of interests and pursuits; but over a vast state—still more over a vast confederacy, having various and conflicting interests and pursuits, it is a remorseless despotism. In resisting it, as applicable to ourselves, we are vindicating the great cause of free government, more important perhaps to the world, than the existence of all the United States. Nor in resisting it, do we intend to depart from the safe instrumentality, the system of government we have established with them requires. In separating from them, we invade no rights, no interest of theirs; we violate no obligation or duty to them. As separate, independent states in convention, we made the constitution of the United States with them; and as separate independent states, each state acting for itself, we adopted it. South Carolina, acting in her sovereign capacity, now thinks proper to secede from the Union. She did not part with her sovereignty in adopting the constitution. The last thing a state can be presumed to have surrended is her sovereignty—her sovereignty is her life. Nothing but a clear express grant can alienate it—inference is inadmissible—yet it is not at all surprising that those who have construed away all the limitations of the constitution, should also by construction, claim the annihilation of the sovereignty of the states—having abolished all barriers to their omnipotence by their faithless constructions in the operations of the general government, it is most natural that they should endeavor to do the same towards us in the states. The truth is, they having violated the express provisions of the constitution, it is at an end as a compact. It is morally obligatory only on those who choose to accept its perverted terms. South Carolina deeming the compact not only violated in particular features, but virtually abolished by her northern confederates, withdraws herself as a party from its obligations. The right to do so is denied by her northern confederates. They desire to establish a sectional despotism, not only omnipotent in Congress, but omnipotent over the states; and as if to manifest the imperious necessity of our secession, they threaten with the sword to coerce submission to their rule.

Citizens of the slaveholding states of the United States! Circumstances beyond our control, have placed us in the van of the great controversy between the northern and southern states. We would have preferred that other states should have assumed the position we now occupy. Independent ourselves, we disclaim any design or desire, to lead the councils of the other southern states. Providence has cast our lot together, by extending over us an identity of pursuits, interests and institutions. South Carolina desires no destiny separated from yours. To be one of a great slaveholding confederacy, stretching its arms over a territory larger thnn any power in Europe possesses—with a population four times greater than that of the whole United States when they achieved their independence of the British Empire—with productions, which make our existence more important to the world than that of any other people inhabiting it—with common institutions to defend, and common dangers to encounter—we ask your sympathy and confederation. Whilst constituting a portion of the United States, it has been *your* statesmanship which has guided it, in its mighty strides to power and expansion. In the field, as in the cabinet, *you* have led the way to its renown and grandeur. You have loved the Union, in whose service your great statesmen have labored, and your great soldiers have fought and conquered—not for the material benefits it conferred, but with the faith of a generous and devoted chivalry. You have long lingered in hope over the shattered remains of a broken constitution. Compromise after compromise, formed by your concessions, has been trampled under foot by your northern confederates. All fraternity of feeling between the North and the South is lost, or has been converted into hate; and we of the South are at last driven together by the stern destiny which controls the existence of nations. Your bitter experience of the faithlessness and rapacity of your northern confederates, may have been necessary to evolve those great principles of free government, upon which the liberties of the world depend, and to prepare you for the grand mission of vindicating and re-establishing them. We rejoice that other nations should be satisfied with their institutions. Contentment is a great element of happiness, with nations as individuals. We are satisfied with ours; if they prefer a system of industry, in which capital and labor are in perpetual conflict—and chronic starvation keeps down the natural increase of population—and a man is worked out in eight years—and the law ordains that children shall be worked only *ten hours a day*—and the sabre and bayonet are the instruments of order—be it so. It is their affair, not ours. We prefer, however, our system of industry, by which labor and capital are identified in interest, and capital, therefore, protects labor—by which our population doubles every twenty years—by which starvation is unknown and abundance crowns the land—by which order is preserved by an unpaid police, and many fertile regions of the world, where the white man cannot labor, are brought into usefulness by the labor of the African, and the whole world is blessed by our productions. All we demand of other people is, to be let alone, to work out our own high destinies. United together, and we must be the most independent, as we are among the most important of the nations of the world. United together, and we require no other instrument to conquer peace than our benificent productions. United together, and we must be a great, free and prosperous people, whose renown must spread throughout the civilized world, and pass down, we trust, to the remotest ages. We ask you to join us in forming a confederacy of slaveholding states.

REPORT AND RESOLUTIONS

From the Committee on Relations with the Slaveholding States, providing for Commissioners to such States.

The committee on "relations with the slaveholding states of North America," beg leave to report that they have carefully considered the three several propositions contained in the resolutions referred to them, which were submitted in convention by three several members from St. Phillip's and St. Michael's. All the resolutions referred to the committee look to the purpose of confederate relations with our sister states of the South, having common interests with us, and every cause, as we trust, to indulge towards us common sympathies and to contract cordial relations. In such a purpose the committee entirely and unanimously concur, and they recommend that every proper measure be adopted to accomplish such an end. Upon this subject so much unanimity prevails, and has long prevailed in this state, that an argument thereupon would be wholly superfluous. All seem to agree that the first step proper to be taken for the purpose of promoting and securing the confederation we seek, is the appointment of commissioners, by the authority of this convention, to such states of the South as may call conventions to consider and determine their future political relations.

The committee advise that such steps be taken by this convention, hoping and believing that our sister states of the South will correctly interpret our action in taking the initiative as arising, by no means, from any presumptuous arrogance, but from the advance position which circumstances have given to this state in the line of procedure for the great design of maintaining the rights, the security and the very existence of the slaveholding South.

It has been a subject of anxious consideration with the committee, whether the commissioners, whose appointment they recommend, should be instructed to tender any basis of a temporary or provisional government to the states to which they may be accredited.

The instrument called the constitution of the United States of America, has been suggested as a suitable and proper basis to be offered for a provisional government.

The suggestion has been commended to the committee by various considerations, which cannot now be set forth in full or at large. Among these are:

That the said instrument was the work of minds of the first order, in strength and accomplishment.

That it was most carefully constructed by comprehensive views and careful examinations of details.

That experience has proved it to be a good form ot government for those sufficiently virtuous, intelligent and patriotic to cause it to be fairly and honestly construed and impartially administered.

That the settled opinion of this state has never been adverse to that plan of government of confederatee states on account of anything in its structure; but the dissatisfaction is attributable to the false glosses, and dangerous misinterpretation, and perversion of sundry of its provisions, even to the extent, in one particular, of so covering up the real purposes of certain legislation, (meant to protect domestic manufactures in one section), as to estop the supreme court in its opinion, from judicially perceiving the real design.

That it presents a complete scheme of confederation, capable of being speedily put into operation; familiar by long acquaintance with its provisions, and their true import to the people of the South, many of whom are believed to cherish a degree of veneration for it, and would feel safe under it, when in their own hands, for interpretation and administration, especially as the portions that have been, by perversion, made potent for mischief and oppression in the hands of adverse and inimical interests, have received a settled construction by the South. That a speedy confederation by the South is desirable in the highest degree, which, it is supposed, must be temporary at first, (if accomplished as soon as it should be), and no better basis than the constitution of the United States is likely to be suggested or adopted for temporary purposes.

That the opinions of those to whom it is designed to offer it, would be conciliated by the testimony the very act itself would carry, that South Carolina meant to seek no selfish advantage, nor to indulge the least spirit of dictation.

That such form of government is more or less known to Europe, and, if adopted; would indicate abroad that the seceding southern states had the foresight and energy to put into operation forthwith, a scheme of government and administration competent to produce a prompt organization for internal necessities, and a sufficient protection of foreign commerce directed hither, as well as to guarantee foreign powers in the confidence that a new confederacy had immediately arisen, quite adequate to supercede all the evils, internal and external, of a partial or total interregnum.

That its speedy adoption would work happily as a revivifying agency in matters financial and commercial, between the states, adopting it, and between them as a united power and foreign commercial nations, and at the same time would combine, without delay, a power touching purse and sword, that might bring to a prudent issue the reflections of those who may perchance be contemplating an invasion, or to an issue disastrous to them, the attempted execution of such unholy design.

Such are some of the considerations, very rapidly stated, which address themselves to this subject. It is contended that some limitation of the power to levy duties, and that to regulate commerce, (and perhaps other provisions of the said constitution), may be desirable, and are in fact so, to some of the committee, yet these modifications may be safely left to a period when the articles of a permanent government may be settled, and that, meantime the constitution referred to will serve the purpose of a temporary confederation, which the committee unite in believing ought to be sought, through all proper measures, most earnestly.

It is also submitted, that if the tender of the said constitution, even as a provisional government, should, in the opinion of the convention, be accompanied by a condition that it be subject to specific limitations, expositions of ambiguities, or modifications, the committee would respectfully refer to the convention itself such matters; and this is done, not because the committee would not willingly consider and report upon such subject, but because they deem it due to the convention and the public interest, that they should now lay before the convention the substantial propositions contained in the following resolutions, which the majority of the committee recommend to the convention as fit to be adopted, viz:

Resolved, First. That this convention do appoint a commissioner to proceed to each of the slaveholding states that may assemble in convention, for the purpose of laying our ordinance of secession before the same, and respectfully inviting their cooperation in the formation with us of a southern confederacy.

Second. That our commissioners aforesaid, be further authorized to submit, on our part, the federal constitution, as the basis of a provisional government for such states as shall have withdrawn from their connection with the government of the United States of America; *Provided*, That the said provisional government, and the tenures of all officers and appointments arising under it, shall cease and determine in two years from the 1st day of July next, or when a permanent government shall have been organized.

Third. That the said commissioners be authorized to invite the seceding states to meet in convention, at such time and place as may be agreed upon, for the purpose of forming and putting in motion such provisional government, and so that the said provisional government shall be organized and go into effect at the earliest period previous to the 4th day of March, 1861, and that the same convention of seceded states shall proceed forthwith to consider and propose a constitution and plan for a permanent government for such states, which proposed plan shall be referred back to the several state conventions for their adoption or rejection.

Fourth. That eight deputies shall be elected by ballot by this convention, who shall be authorized to meet in convention such deputies as may be appointed by the other slaveholding states who may secede from the Federal Union, for the purpose of carrying into effect the foregoing resolutions; and that it be recommended to the said states that each state be entitled to one vote in the said convention, upon all questions which may be voted upon therein; and that each state send as many deputies as are equal in number to the number of senators and representatives to which it was entitled in the Congress of the United States.

D. F. JAMISON, *President.*

Atttest:
B. F. ARTHUR, *Clerk.*

CONVENTION OF GEORGIA.

MILLEDGEVILLE, *January 29th*, 1861.

Resolved, That in the opinion of this convention, it is the right and the duty of Georgia to secede from the present Union, and to co-operate with such of the other states that have, or shall do the same, for the purpose of forming a Southern Confederation upon the basis of the constitution of the United States.

Resolved, That a committee of seventeen be appointed by the chair to report an ordinance to assert the right and fulfil the obligation of the State of Georgia, to secede from the Union.

A true extract from the minutes.

Attest: A. R. LAMAR, *Secretary*.

AN ORDINANCE

TO DISSOLVE THE UNION BETWEEN THE STATE OF GEORGIA AND OTHER STATES UNITED WITH HER UNDER A COMPACT OF GOVERNMENT ENTITLED "THE CONSTITUTION OF THE UNITED STATES OF AMERICA."

WE, the people of the State of Georgia, in convention assembled, do declare and ordain, and it is hereby declared and ordained, that the ordinance adopted by the people of the State of Georgia in convention, on the second day of January, in the year of our Lord seventeen hundred and eighty-eight, when the constitution of tho United States of America was assented to, ratified and adopted; and also, all acts and parts of acts of the General Assembly of this state, ratifying and adopting amendments of the said constitution, are hereby repealed, rescinded, and abrogated.

We do further declare and ordain, that the Union now subsisting between the State of Georgia and other states, under the name of the United States of America, is hereby dissolved, and that the State of Georgia is in the full possession and exercise of all those rights of sovereignty which belong and appertain to a free and independent state.

Attest: A. R. LAMAR, *Secretary*.

CONVENTION OF GEORGIA.

MILLEDGEVILLE, *January 23d*, 1861.

Resolved, That this convention appoint a commissioner from the State of Georgia, to each of the states of Delaware, Maryland, Virginia, Tennessee, North Carolina, Kentucky, Missouri and Arkansas, to present to the legislatures or conventions, or in the event neither shall be in session, to the governors of those states, the ordinance of secession of Georgia, and to invite their co-operation with her, and other seceding states, in the formation of a Southern Confederacy.

A true extract from the minutes.

A. R. LAMAR, *Secretary*.